Justice of the Peace
and
LOCAL GOVERNMENT REVIEW

Saturday, March 5, 1955 Vol. CXIX. No. 10

Justice of the Peace
and
LOCAL
GOVERNMENT REVIEW

ESTABLISHED 1837

[Registered at the General Post Office as a Newspaper]

LONDON :

SATURDAY, MARCH 5, 1955

Vol. CXIX. No. 10. Pages 141–155

Offices : LITTLE LONDON, CHICHESTER, SUSSEX

Chichester 3637 (Private Branch Exchange).

Showroom and Advertising: 11 & 12 Bell Yard, Temple Bar, W.C.2.
Holborn 6900

Price 2*s.* 3*d.* (including Reports), 1*s.* 3*d.* (without Reports).

CONTENTS

REPORTS

NOTES OF THE WEEK

Dispensing with Depositions

A feature of the Report of the Departmental Committee on Depositions (1949) was the emphasis placed on the value of the depositions taken in the magistrates' courts. Their use at various stages of the proceedings, and sometimes afterwards, was discussed, and although the committee made certain recommendations with a view to the saving of time there was no suggestion that the taking of depositions should be dispensed with in cases where the defendant showed from the outset that he admitted his guilt and intended to plead guilty at his trial. Many laymen have expressed opinions from time to time about the futility of writing down a considerable amount of evidence when the facts are not in dispute, but lawyers accustomed to criminal proceedings are, we believe, against committals for trial on a plea of guilty without the taking and recording of evidence in the form of depositions, with occasional exceptions in the form of statutory declarations. It seems quite unlikely that the present practice of taking depositions will be abandoned, although it is possible that there may be some alterations in the present methods.

The Position in Eire

Evidently the law of the Irish Republic in this respect differs from that of this country, and we were interested to read about it in the *Irish Law Times and Solicitors' Journal* of February 5 from which we quote:

"The provisions of s. 3 (2) of the Criminal Justice Act, 1951, whereby an accused person who wishes to plead guilty in the District Court and signifies his wish to plead guilty to the Court at any stage before or after the taking or completion of depositions may be permitted to sign a plea of guilty and sent forward for trial with that plea and such depositions as have been taken, have their merits and their demerits. The merits speak for themselves: the saving of the time and energy of a hard-pressed District Justice which hitherto had to be expended in the taking of depositions to facts which were not going to be disputed in the superior Court, and the opportunity afforded to an accused person, if he so chose, of obtaining a more substantial reduction in the sentence imposed on him on the hearing of the indictment, by placing him in a position to plead, in mitigation of sentence, not only that he had pleaded guilty to the indictment but that he had also pleaded guilty in the District Court."

It is true that in pleas for mitigation of sentence it is often urged that by admitting his guilt at once the defendant has taken the right attitude and shown his contrition, instead of aggravating his offence by contesting the facts and committing perjury. It is quite possible that the offender is not repentant and that his reason for pleading guilty is that he has been advised, or has realized for himself, that to put forward a defence would be hopeless. In such circumstances there is no need to pay too much attention to the plea in mitigation.

The Disadvantages

The demerits of the system were instanced, says the *Irish Law Times*, in two recent cases before the Irish Court of Criminal Appeal. The first, which illustrated the possible disadvantages of not hearing evidence and taking depositions, is the one which has interested us, the second being only an instance of an apparently frivolous appeal. It showed the power of the provisions of the section to act as a trap for an exceptionally unintelligent or inexperienced accused person.

The applicant was a tongue-tied youth of 18 who, in the District Court, had signed a plea of guilty of unlawful carnal knowledge of a girl under 15, before any depositions relating to the offence had been taken. He again pleaded guilty to carnal knowledge in the Circuit Court, and was sentenced to two years' imprisonment with hard labour. *Nolle prosequis* were entered on counts of attempted carnal knowledge, of indecent assault and of common assault, on which the applicant was indicted in respect of the same

incident. The applicant applied for leave to appeal against sentence only, upon which counsel for the Attorney-General made plain to the Court that on the statements of the evidence furnished to the Attorney-General subsequent to the Circuit Court hearing, the applicant could, at most, have been convicted of attempted carnal knowledge had these statements been available in the Circuit Court. It followed that the District Justices had been mistaken in being satisfied, pursuant to s. 3 (2) (*b*) of the Criminal Justice Act, 1951, that the applicant understood the nature of the offence and the facts alleged, and, in the submission of counsel for the Attorney-General, the Court of Criminal Appeal had, by virtue of ss. 30 and 34 of the Courts of Justice Act, 1924, power to refuse to accept the applicant's plea of guilty of carnal knowledge and substitute therefore a plea of guilty of attempted carnal knowledge, and in view of the applicant's youth, inexperience and lack of professional advice and of the fact that the pleas made by him in both Courts under a misapprehension cast an unjustified imputation on the character of the prosecutrix, such a course would be proper in that case. The Court indicated that it would be prepared to treat this application for leave to appeal as an application for leave to appeal against conviction if the applicant asked them to do so, which, after prompting from the bench, the applicant did. This course was not opposed by counsel for the Attorney-General, and conviction was set aside and the applicant discharged.

Damages against a Policeman

At p. 110, *ante*, we referred to a case in which a claim against a police constable by a member of the public who thought he had been unlawfully stopped and detained was unsuccessful. The learned judge in that case held that the officer was doing his duty and no more.

A contrast was a successful action by a taxi driver which came before Sellers, J., and which was reported in *The Times*, February 16. The plaintiff was awarded £150 damages in respect of assault, false imprisonment and malicious prosecution against a police constable. The defendant had arrested the plaintiff and charged him with obstructing the defendant in the execution of his duty, after an incident at a cab rank, between the defendant and several taxi drivers. The charge was dismissed.

In the course of his judgment, Sellers, J., said he had approached the matter well recognizing that, while the liberties of the subject had to be protected, the police were an essential and very important part of the organization of the country and careful consideration must be given to the functions they had to perform. Having reviewed the evidence, he said that the defendant was not acting from a proper motive. It looked as if he was piqued by what had occurred between him and the plaintiff in relation to the production of his driving licence, and the defendant had allowed that to affect his judgment.

A case of this kind is fortunately rare. The relations between police and public are generally good. We all know that motorists, temporarily annoyed at being stopped by the police because of a minor offence, are apt to tell the police they would be better employed catching burglars, but the police take this in good part, showing courtesy and patience. They rarely exceed their duty, but if they do they are answerable to the law like other members of the public.

Testing the Evidence

There was conflicting evidence in this case, and Sellers, J., referred to this fact in his judgment. The plaintiff's case included evidence that the defendant, with another officer, asked the plaintiff for his driving licence. The defendant had denied that, and so had his witness, but that piece of evidence was supported by the plaintiff's witnesses, two of whom said the Judge, were most convincing. He observed that he could not make out why the police officers had denied it, the fact that they had done so, undermined the whole of their evidence and provided a solution to the case. Another point to which the Judge called attention was that the plaintiff immediately on his arrest said, according to the officer " I definitely think I have been wrongly arrested and I will complain to the Commissioner." He (his Lordship) thought that the facts supported the attitude that the plaintiff then took.

Where there is a direct conflict of evidence the task of deciding where the truth is to be found is often difficult. Magistrates are constantly faced with this kind of problem. It is instructive to note how a Judge of the High Court deals with it, as in this case. He found that certain facts, denied on the defendant's side, were proved, and that therefore he could not accept the defendant's evidence as a whole. Further, the admitted fact of the plaintiff's attitude when arrested was consistent with his evidence. Tests of this kind can be used to point the way to the truth when, apart from them, the task of deciding between the parties might seem hopeless.

The report of the case states that the incident took place in February, 1953. Laymen and perhaps some lawyers will wonder why it was not possible for the civil action to come before the Court until two years later. There may be an explanation, but this does not appear.

Preferential Fares

We spoke at p. 50, *ante*, of the decision in *Prescott* v. *Birmingham Corporation* [1954] 3 All E.R. 698. After the decision of the Court of Appeal, the city council of Birmingham took the obviously proper step, assuming that they wished to continue the course of action which the decision had prevented, of promoting a Bill in Parliament to legalize that course of action. We call this the obviously proper course, things being as they are, but really our own feeling is that such proposals ought not to be given effect in local legislation. If it is proper for a transport undertaking to provide services at a reduced rate for certain classes of people, then this ought in our view to be done by general legislation. That legislation could give the undertakers a right of selecting the recipients of their bounty, or (more properly, we think) Parliament itself should make up its mind what classes, if any, are to travel at rates lower than the general run of fellow travellers. By widely accepted custom, children are allowed to travel at half fares, and we do not think there would be any body of hostile opinion, or any great objection in principle, to the granting of reduced fares everywhere to a limited class such as blind persons. When it comes to a wide and possibly increasing class, and at the same time a class the numbers of which cannot be foreseen, such as all persons over the age of 65 (or as the case may be), we think that the principle should be thought out for the country as a whole. It cannot be right, on grounds of general principle, that Birmingham (for instance) should give a concession to its own citizens above a certain age, while neighbouring undertakings, whose travellers are to a great extent interchangeable with those of the Birmingham undertaking, do not give the same concession. Up to a point, then, we think it was a good idea that a private member's Bill should have been introduced to apply throughout the whole country, though it seems to us to have been a weakness in that Bill as introduced that each undertaker was to be entitled

to make its own choice, instead of Parliament's settling matters on a national basis. But at all events giving the choice by a general Bill was preferable to having a whole series of local legislation Bills promoted. The course taken by the Government, in advising Parliament to modify the private member's Bill in question, seems to us dubious—to say no worse. If the Bill goes through in the form recommended by the Government, the concession declared illegal last year will be legalized in places where it had hitherto been (illegally) applied, while other undertakers, who would like to apply it, but have hitherto refrained because their own advisers took the view of the law which the Court of Appeal endorsed, will be put to the expense of promoting separate Bills. The Government's recommendation is, in short, a compromise which may get round for the present of the need for a definite decision, but it is compromise which seems to us unfair.

Public Architecture

The character of a period (and a people) is portrayed by its architecture and it remains an open question whether the architecture of the 1950's will cause us to be regarded by posterity as an admirable race or not. Certain it is, however, that government and local government authorities should give a lead by ensuring (at least) that buildings under their power are in accordance with the best traditions of British architecture. One of the tragedies is that civic art is not taught in the art schools at the present-day and so a great deal of distinction has been lost to our civic buildings.

The Government (principally the Ministry of Works and the Ministry of Housing and Local Government) have great responsibilities as important inheritors of the tradition of patron of the arts. For the past two decades our architectural inspiration has been far too much derived from so-called modernists who drew their ideas from foreign sources instead of seeking to build upon the fine foundations of our native English product.

Many of our modern school buildings, with their angular modernistic lines, lack the grace and serenity of some of our traditional styles of architecture. Beautiful buildings breed fine thoughts and one cannot help feeling that those educated in the distinguished surroundings of King's College, Cambridge, for an example, have a pronounced advantage over those not so fortunate.

Modern aeroplanes and motor cars become more and more streamlined for practical reasons but it may be doubted whether these should properly apply to educational buildings which take on the same exaggerated lines. A house should not resemble a signal box, nor a block of flats the side of an aircraft-carrier and we know of some even in the new towns which have those ungraceful results. As the Government have voted some £250 million of tax payers' money towards the building of these new towns we want to be quite sure that we are going to get some really good architectural results. There is no doubt (although much is good) that some of the architectural styles in our new towns are appalling.

It is, therefore, a matter of rejoicing that a distinguished architect, Professor A. E. Richardson, has succeeded to the Presidency of the Royal Academy. Professor Richardson, who is an accomplished water-colourist, was Professor of Architecture at London University between 1919 and 1946 since when he has occupied the same post at the Royal Academy Schools. He is an authority on Georgian architecture and as an ex-chairman of the Georgian Group may be depended upon to encourage and inspire the best in our native English tradition of design.

Good manners and careful composition are valuable qualities in British architecture which have been in danger of total loss in the prevailing cult of the modern. No effort should be spared to save them.

Rural Water Supplies and Sewerage

The Rural Water Supplies and Sewerage Bill has recently received a second reading in the House of Commons.

This is a short two-clause Bill, the purpose of which is to enable exchequer contributions under the Rural Water Supplies and Sewerage Act, 1944, to be made either (*a*) by lump sum or (*b*) by periodical payments towards revenue expenditure instead of by lump sum *only* as, except in certain special cases, the Act requires.

When an undertaking to pay by lump sum has been given before the Bill comes into force, equivalent periodical payments may be substituted for any amount not already paid.

In so far as lump sum payments are replaced by periodical payments towards revenue expenditure, extra expenditure out of monies provided by Parliament will be entailed. The amount cannot be estimated accurately, but may be of the order of £19 million for England and Wales and £8½ million for Scotland, spread over 30-35 years.

This Bill brings exchequer grants under the Act in line with those other ones made to local authorities (*e.g.*, those for housing and school buildings) but it will mean smaller annual sums as the payments are spread over a longer period.

It is relevant in this context to consider general progress in the provision of piped water supplies. In 1929, the total storage capacity of water-undertakings in England and Wales was 119,100 million gallons. By 1953 this figure had risen to 304,700 million gallons. Since 1945, the total value of water supply schemes authorized in England and Wales has been £93,064,072 in urban areas and £48,392,403 in rural areas. Since the same year over 28,000 miles of pipes have been laid, amounting to an increase of one-third in about eight years. In the same period storage capacity has gone up by 25 *per cent.*

However, the 1951 census still exposed a substantial problem, *i.e.*, 2¼ million people—more than five *per cent.* of the population in England and Wales—living in households with no piped water supply. About three-quarters of this figure were living in rural areas.

At the present time about £20 million a year is deployed towards piped water schemes and of the £142 million spent since 1945 as much as £48½ million has been devoted to rural schemes. In fact, the village well and pump should fall into general disuse in the not very distant future. As Mr. Deedes, the Parliamentary Secretary to the Ministry of Housing and Local Government has said in the Commons: "it should not be many years before piped supplies are extended to virtually all the remaining sizeable villages . . . " (Hansard, December 22, 1954).

The figures of grants under the Rural Water Supplies and Sewerage Act, 1944, are interesting and we, accordingly, set them out below :

England and Wales

Year (1st 9 months)	Water £	Sewerage £
1951	823,954	479,644
1952	1,079,977	1,150,710
1953	1,456,011	1,288,078
1954	1,768,132	1,404,823

ATTENDANCE CENTRES

[CONTRIBUTED]

The tables of the Criminal Statistics which deal with results of proceedings in magistrates' courts have in the current edition a new heading. Magistrates may now order a child or young person to attend an attendance centre. In 1953, according to Criminal Statistics, 336 boys under 14 and 418 boys of 14 and under 17 were the subject of attendance centre orders.

The age-group for which courts of summary jurisdiction are empowered, under s. 19 of the Criminal Justice Act, 1948, to make an attendance centre order covers those who are not less than 12 but under 21 years of age. However, no attendance centres have so far been established for the 17 to 20 age-group. Nor, though the legislation applies to both sexes, have any attendance centres been established for girls.

Persons eligible for attendance centres treatment must have committed an offence for which the justices have power, or would have power but for s. 17 of the Criminal Justice Act, or s. 107 of the Magistrates' Courts Act, 1952, to impose imprisonment or be liable to be dealt with under s. 6 of the Criminal Justice Act for failure to comply with any of the requirements of a probation order. There is a proviso, however, that an order cannot be made where an offender has previously been sentenced to imprisonment, borstal training, detention in a detention centre, or has been to an approved school (s. 19 (1)).

The court must first be notified by the Secretary of State of the availability of a suitable attendance centre. It may then order offenders to attend there for a period not exceeding 12 hours in all and for not more than three hours on any one day. The aggregate period is flexible and the court which dealt with the offender may, on the application of the offender or of the officer in charge of the attendance centre, discharge the order. It may, too, vary the day or hour specified for the offender's first attendance at the centre (s. 19 (3)). Where a person has been ordered to attend a centre in default of payment of money, the order ceases to have effect on payment of the whole sum and the period is proportionately reduced on payment of part of it (s. 19 (5)).

Attendance centres are under the supervision of the Children's Department of the Home Office. The Secretary of State must approve the initial scheme for the opening of a centre. The central government is entirely responsible for finance. The actual running of the centres is usually carried out by the police and they provide the staff. At the end of 1954, there were 28 attendance centres in England and Wales. In January this year three more have been opened—one at Newport (Monmouthshire), one at Great Yarmouth and one at Wanstead.

The Attendance Centre Rules, 1950, which came into operation on June 1 of that year, govern the management of the centres for boys of the 12-16 age-group. Rule 2 (1) deals with the form of occupation and instruction to be given at attendance centres. It says that it "shall be such as to occupy the boys during the period of attendance in a manner conducive to health of mind and body." Individual centres are not, however, left to their own discretion on this, since r. 2 (2) states that occupational and instructional schemes must be approved by the Secretary of State.

Rules 6, 7, 8 and 9 are concerned with discipline. Rule 7 states that "boys shall, while attending at a centre, conduct themselves in an orderly manner and shall obey any order given or instruction issued by the officer in charge or any member of the staff." Rule 6 makes it clear that the enforcement of such conduct must be achieved not by physical coercion, but by "the personal influence of the officer in charge and staff." Rule 9, however, permits two types of mild sanction: the separation of a rule-breaker from the other boys and the giving of "a less attractive form of occupation." The ultimate sanction is provided by r. 8. It states that any boy who breaks the rules may be required to leave the centre. He may subsequently be brought back before the court which made the order. The court may then revoke the order and deal with him in any manner in which he could have been dealt with if the order had not been made (Criminal Justice Act, 1948, s. 19 (7 and 8)).

There is wide variation between centres as to the form of occupation in use. In most there is an initial inspection of the boys to ensure they are clean and tidy. This is followed in some centres by physical training or marching drill and then by physical labour such as floor-scrubbing, wood-sawing, window-cleaning or furniture-polishing. Some centres allow the second half of the day's period to be spent by those who have responded well in constructive occupations. These include such things as motor-car and motor-cycle repairing, carpentry, boxing or learning first-aid. At others, however, it is felt that the deterrent element of attendance centres must be emphasized and these more pleasant activities are not indulged in.

Section 19 (2) of the Criminal Justice Act provides that as far as practicable attendance at a centre should not interfere with an offender's school or working hours. Periods of attendance are usually fixed for Saturday morning or afternoon, so, however relatively congenial the form of occupation, it still represents a deprivation of leisure time.

The officers responsible for the centres undoubtedly take their duties seriously. Most of them take care to obtain a home report on their charges from the probation officer. They give each boy an initial interview and quite often see his parent too. In accordance with r. 3, they keep a register of attendance and record the manner in which any breaches of the rules are dealt with. Many follow the excellent practice of reporting to the court which made the order on the manner in which the offender has responded to the treatment given. In all centres an effort is made to encourage boys to join an appropriate youth organization.

The introduction of attendance centres has given to the courts an additional penalty. In these days, when every effort is made to make the punishment fit the criminal, this cannot be a bad thing. The centres are partly punitive and partly reformative. They are relatively inexpensive and do not interfere with the education or the employment of the offender concerned. In certain cases, they provide a useful sanction for minor breaches of probation. Generally, their main function it seems is to provide a mild deterrent for the trivial offender.

Supporters of attendance centres, however, often claim other virtues for them. They affirm that the general attitude to authority and to society of the boys who attend them is much improved, together with their bearing and cleanliness. Opponents of the centres base their major criticism on the dangers of contamination. Always a possibility in the most well-organized probation office, it is, they say, inevitable at attendance centres, where delinquents are deliberately brought together. Where boys meet at the centre and leave it together, undesirable associations are bound to be made.

Whatever the weight of this argument, it must be recognized that the effect of attendance centre training is inevitably limited. Twelve hours is a very short time in anyone's life and, even if the permitted hours were extended to 16 or 24 as some enthusiasts suggest, the impact is still unlikely to be lasting. Clearly too these centres can only be provided in areas of dense population. In rural districts, there cannot be enough suitable offenders within reasonable travelling distance to make them practicable.

Let it be said, then, that they represent an experiment which has cost relatively little to make. Provided that their comparatively minor place in the armoury of the courts is accepted and careful thought is given to the type of offender required to attend them, it may yet be found that on balance their influence is good. F.V.J.

THE SOVIET LEGAL PROFESSION

(Some impressions from the visit of an English lawyers' delegation to the U.S.S.R. in September, 1954)

By JOHN ELTON

We felt very much at home among our colleagues at the Soviet Bar. Their chambers system is not unlike our own, and there seems much less of a gulf between the Soviet advocate and his English colleague than between the Soviet and the English judge.

As in most continental countries, they have a unified profession. There are many fewer advocates than in England : 1,048 barristers in Moscow, of whom 383 are women, with 48 admissions to the bar this year, and about 480 in Leningrad, with comparable numbers in other towns.

This is partly to be explained by the comparative ease with which litigants in person conduct their own cases, but more by the widespread growth of notaries' offices run by the municipal authorities. In fact, the Soviet notary performs many of the functions of the solicitor in this country. There are no less than 34 notaries' offices in Moscow. Some 500 persons a day visit the office we saw, which had a staff of 41.

The work of the notaries includes the registering of sales of houses and cars, the registering of loans, attesting of documents and wills, providing citizens with documents to prove their right to inheritance, preservation of assets of deceased persons, authenticating office copies of documents, drawing up of mortgages, loan agreements, powers of attorney, etc. Not least of the notary's powers is the issuing of judgments for what are called "undisputable debts" (*e.g.*, rent owing to local housing authorities).

Attached to each notaries' office is a photostat department to provide citizens with officially accepted photostat copies of their documents, birth certificates, etc. People wanting to draw up powers of attorney and similar documents can obtain a cyclostiled draft from the office and fill it in with the aid of precedents on the office walls. It certainly appeared that a large number of citizens were having their affairs dealt with cheaply and speedily in the office we visited.

The advocates themselves deal with cases requiring more complicated advice and, of course, with litigation, both criminal and civil.

In each city they elect their own Bar Council which is armed with disciplinary powers ; the Bar Council must report back to a general meeting of the bar every six months at least. The Bar Council appoints the heads of chambers, or consultation centres, as the Russians call them.

Advocates chambers in Moscow average from 20 to 40 members and there are some 24 of them. The advocates receive their own fees individually from their clients, paying 10 *per cent.* over to the chambers and five *per cent.* to the Bar Council, this five *per cent.* being used partly for the formation of a legal aid fund from which poor persons' advocates can be paid.

There is no specialist university course for advocates, but the beginner attends lectures in advocacy while attached to the Bar Council where he works for six months after qualifiying. He has, of course, already read law at the university. Members of the bar are free to practice throughout the Soviet Union and obviously will take up practice where they are likely to find most work. In theory private individual practice is permissible, but actually we were told that all advocates work in chambers.

Professional secrecy is guaranteed by law ; etiquette does not permit the advocate to refuse to act in a criminal case, but he can apparently refuse to act in civil cases not to his liking.

All advocates belong to the State Employees' Union, generally the same branch as that of the judges and court ushers. A great advantage of trade union membership, of course, is that sick benefit is payable in case of illness on the basis of the advocate's average earnings over the past year, and the union provides holiday facilities and the like.

Here is a notice displayed in the window of a consultation centre in Nevsky Prospect, the main street of Leningrad :

"Consultations on authors' rights
Legal assistance given to inventors and rationalizers
Conduct of criminal, civil, labour, housing and other judicial and administrative cases
Legal assistance supplied to State, co-operative and social organizations
Advice and explanations given on various questions of law
Drafting of commercial documents and declarations
Open 10 to 7 (except Sundays)."

The consultation centre we attended in Leningrad had 23 members, of whom 11 were women. The head of the chambers explained his position to us : in a way he does some of the work done by the barrister's clerk in this country. He interviews the clients and allocates counsel to deal with their cases, unless the client names an advocate of his own choice. He also fixed the fee which the client has to pay. Scales showing the minimum and maximum fees for each type of work are prominently exhibited on the walls of every consultation room in the chambers, but the head of chambers exercises his discretion as to the actual fee charged, depending upon the complexity of the case, the quality of the advocate and the length of time likely to be involved.

Certain classes of clients are entitled to free advice, *e.g.*, war invalids, old age pensioners, women seeking maintenance for their children and people claiming compensation for personal injuries. In these cases the defendant is ordered to pay some costs to the consultation centre. For instance, in the case of a man killed in a road accident his family get free advice and the court will order the driver concerned to pay the costs to their consultation centre.

Something like 130 new cases a week are dealt with in the centre we visited and in about two-thirds of these free advice is given.

We were glad to hear that in court cases the fees must be paid in advance.

Barristers' earnings seem to vary between 1,000 roubles a month and 3,000 or more. The beginner during his six-month training period at the offices of the Bar Council gets 450 roubles a month. It is difficult to give a reasonable equivalent in sterling, but an average notary earns 1,000 roubles a month and the average school teacher rather less.

We were shown a statement of claim in a personal injuries action. With minor amendments it could have been used in any county court at home, except that there was no claim for general damages and the special damages were claimed on a monthly basis ; that is, the defendant was not ordered to pay a lump sum but to pay monthly the difference between the plaintiff's pre-accident and post-accident earnings, less pension benefits. The plaintiff can also claim as special damage his out-of-pocket expenses for a convalescent holiday and the like.

Our general impression was of an active and flourishing profession. The lectures which we gave on the English legal system drew large audiences (over 400 in Leningrad on two successive evenings), who plied us with intelligent questions and developed the friendly atmosphere to be expected at such meetings of professional colleagues.

OLD BEERHOUSE LICENCES

[CONTRIBUTED]

At the annual licensing meeting in the city of Coventry objection was taken to the renewal of one of the licences. The clerk to the justices gave evidence that when this house was absorbed into the city by a boundary extension at the end of the last century it was then recorded in the city licensing register as an " alehouse." Other houses in the register were clearly marked " Beerhouse I Will. IV c. 64 " which is the Beerhouse Act of 1830, so it appears that the person recording these entries made a clear distinction between beerhouses and alehouses and recorded this particular house specifically as an "alehouse." No other evidence from official records was available.

On behalf of the licensee it was argued that in s. 14 (2) of the Licensing Act, 1953, " old beerhouse licence " means any place where beer was sold prior to May, 1869. Old directories and reference books were produced with entries in the 1830's and '40's showing this house as a tavern or public house and deeds were produced describing it as a public house. It could be said that there was some evidence that this was a public house or tavern prior to and continuously since 1869. For the licensee, it was contended that the protection of s. 14 (3) applied to any licence which in the words of subs. (2) was an old on-licence for the sale of beer granted by way of renewal from time to time of a licence granted for premises for which a corresponding excise licence was in force on the first day of May, 1869, and that this house must have been licensed to sell beer. Prior to 1869, reference books showed a house of the same name as a tavern or public house and beer would be sold either under an excise licence as a beerhouse, or under a justices' licence granted under the Alehouse Act, 1828. The justices were of opinion that an " old beerhouse licence " was a licence which originated under the Beerhouse Act, 1830. They indicated that further research might reveal that in 1869 this was a beerhouse and since then had become an alehouse as recorded in the existing licensing register but they were not satisfied that the evidence before them proved this to be an " old beerhouse licence " within either interpretation of s. 14 of the 1953 Act. If the argument put forward on behalf of the licensee was correct then all inns, alehouses and victualling houses which were selling beer in and prior to 1869 under justices' licences granted under the Alehouse Act, 1828, are equally " old beerhouses " along with beerhouses which prior to 1869 were operating under an excise licence taken out under the Beerhouse Act, 1830. Presumably all inns, alehouses, victualling houses and beerhouses sold beer so every such house now qualifies for the protection given by s. 14 of the 1953 Act to an " old beerhouse " on proof that they existed in 1869. This would mean that an " old on-licence other than an old beerhouse " as referred to in s. 14 (1) and (4) of the 1953 Act is one granted after May 1, 1869, and before August 15, 1904.

In this connexion it is of interest to read the history of licensing law given in chapter I of *Paterson* which shows that in 1830 it was deemed expedient for the better supplying of the public with beer in England to give greater facilities for the sale thereof and that in consequence anyone with premises of appropriate annual value could for a small fee obtain a licence from the excise. Running concurrently with these beerhouses there were inns, alehouses and victualling houses which had to obtain justices' licences and sold beer and spirits. In 1869 the right to obtain a beerhouse licence from the excise was taken away and beerhouses came under the jurisdiction of the justices. The Coventry justices were of opinion that old beerhouses are only those which between 1830 and 1869 were encouraged to set up business by the simple process of taking out an excise licence. There is support for this to be found in old editions of *Paterson* in the note to s. 18 of the 1910 Act which is the derivation of s. 14 of the 1953 Act. " Included in the general class of ' old on-licences ' are *the more privileged* ' old beerhouse licences ' that is to say, the popularly called ' *ante*-1869 beerhouse ' licences." As the Act of 1953 is a consolidating Act, and consolidation never makes major alterations, what was true of s. 18 of the 1910 Act will still be true about s. 14 of the new Act namely, that an " old beerhouse licence " is an *ante*-1869 beer licence taken out under the Beerhouse Act, 1830.

The hearing of the objection before the city justices then proceeded on the basis that this house was an old on-licence within the meaning of s. 14 (1) of the 1953 Act. The objection was on the ground that the licensee had set up a colour bar in that he would not serve people of coloured skin in two of the five rooms of the public house. The objection fell within subs. (4) that the licensed premises had been ill conducted and that the applicant was not a fit and proper person to hold a licence. It was not suggested that this was an inn and the justices held that in the case of an ordinary public house there is no obligation at common law to sell liquor to anyone and accordingly the objection was overruled and the licence renewed. One daily newspaper reported this in large headlines as meaning that the justices approved of a " colour bar " which is a *non sequitur* arising from the common fallacy committed by news editors of *argumentum ad populum*.

PRESERVATION OF TREES AND WOODLANDS

By LORD MESTON, *Barrister-at-Law*

A tree may not only be valuable for its timber, but is often a joy to behold and an addition to the amenities of the neighbourhood. It is not surprising therefore that the care and preservation of trees has been made the subject of planning legislation. The Town and Country Planning Act, 1932, contained powers for preserving trees, either singly or in groups, and for protecting woodlands as part of a planning scheme. But the result of most of the schemes which became operative proved disappointing. In many areas schemes never reached the final stage. In those areas where finality was reached there was generally a lapse of many years between the passing of the resolution to prepare a scheme and the making and confirmation of the final scheme. Growing dissatisfaction at the spoliation of the countryside prompted the enactment of s. 8 of the Town and Country Planning (Interim Development) Act, 1943, which enabled local authorities to make " interim preservation orders " while a scheme was being prepared. Such an order might prohibit the cutting down, lopping or wilful destruction of trees except with the consent of the interim development authority, and contain provisions for securing the replanting of any part of a woodland area which was felled in the course of forestry operations permitted by the order. An " interim preservation order " did not take effect unless it was approved by the Minister who might approve it with or without modification. Any person aggrieved by the refusal of consent to fell or by any condition imposed on the grant of any such consent, was entitled to appeal to the Minister. The interim development authority were expected to make a contribution to any damage or expense caused to a person by refusal of consent or the imposition of any conditions. Any final settlement of compensation was deferred until the " interim preservation order " became part of the operative scheme. The foregoing provisions of s. 8 of the 1943 Act were substantially embodied in, and extended by, s. 28 of the Town and Country Planning Act, 1947. Under the 1947 Act there is no such period as an " interim " period, and the machinery of control has been consequently modified. Under s. 28 aforesaid, the local planning authority are empowered in the interests of amenity to make " tree preservation orders " for securing the preservation of trees and woodlands in their area. Such orders may provide for the protection of single trees, groups of trees, or woodlands. They may contain provisions dealing with various matters including the necessity to obtain the consent of the local planning authority to the lopping or felling of trees and for an appeal to the Minister when consent is refused, the payment of compensation where consent is refused or is granted subject to conditions, and the requirement to replant trees felled in accordance with the order. A tree preservation order cannot come into operation until it is confirmed, either with or without modification, by the Minister. Owners and occupiers affected by the order must receive notice of its submission to the Minister and may make objections or representations to the Minister before the order is confirmed. The Minister may require a local planning authority to make, amend or revoke a tree preservation order, or may do so himself. A tree preservation order cannot over-ride the duty of the owner to lop or fell trees in compliance with any other Act or to prevent them from constituting a danger or a nuisance.

The Town and Country Planning (Tree Preservation Order) Regulations, 1950 (S.I. 1950, No. 534) made under s. 28 of the Town and Country Planning Act, 1947, deal with the form, submission, service and confirmation of tree preservation orders and also with objections and representations to the Minister against such orders. The above-mentioned regulations effect a simplification of the previous regulations on this subject by relaxing the former requirement that every order should include a map, and by dispensing altogether with the giving of notice by advertisement of the submission and confirmation of orders.

Since July 1, 1948, local authorities have submitted to the Minister 1,282 tree preservation orders. At December 31, 1954, the Minister had confirmed 1,096 orders with or without modification. At the same date eight orders had been revoked. The number of orders in force under the Town and Country Planning Act, 1947, at the end of 1954 was therefore 1,088. To that figure should be added the 192 interim preservation orders made under s. 8 of the Town and Country Planning (Interim Development) Act, 1943, which are still in operation, giving a grand total of 1,280 orders in force at the end of the year 1954. These interim preservation orders were in force at the time the Act of 1947 came into operation and provision was made in the Act of 1947 for " carrying over " protection for the trees and woodlands which these interim preservation orders were designed to cover.

While tree preservation orders may only be made in the interests of amenity, it is important to note that mere preservation leads eventually to decay. Therefore trees must be felled from time to time and replaced by natural regeneration or fresh planting. The proper use of a tree preservation order is not to sterilize woodlands, but to control felling and ensure natural regeneration or replanting, so that they continue to flourish. It is interesting to refer to the operation of actual orders which have been made. In the Quantocks, which are in the Wilton rural district in Somerset, the woods had been planted many years ago to provide timber for estate purposes. As the trees matured they formed an increasingly beautiful entry to the north-eastern slopes of the hills. When the majority of the trees had passed maturity, clear felling was proposed. A preservation order was then made, and consent was refused to the clear felling. The Minister's view was that there must be gradual felling and replacement of the old trees. By this means the amenities would be preserved. In another case, that of the Conway valley, a large estate had changed hands and an application was made for a licence to fell the trees, which are a particularly beautiful feature of the landscape. The local planning authority made a tree preservation order. An application to the local planning authority for permission to fell some 750 trees, stated to be mature, was refused. On appeal, the Minister granted permission for the felling of 174 specified trees. The Minister pointed out that felling likely to cause serious injury to the woodland character of the area could not be justified unless the future welfare of the woodlands or other urgent public need made such a course unavoidable. He was satisfied, however, that the felling of 174 trees would be harmless to amenity and would also benefit the woods, since it would help the growth of young trees.

The felling of trees is now governed by the provisions of the Forestry Act, 1951, and the Forestry (Felling of Trees) Regulations, 1951 (S.I. 1951, No. 1726) made under that statute. Growing trees, with certain specified exceptions, may not be felled without a licence granted by the Forestry Commissioners. Certain additional exceptions are to be found in the Forestry (Exceptions from Restriction of Felling) Regulations, 1951 (S.I. 1951, No. 1725). Contravention of the provisions against the felling of trees without a licence incurs, on summary

conviction, a fine of £10 or twice the value of the tree, whichever is the higher. Proceedings may be instituted within six months of first discovery of the offence but within two years. Application for a licence may be made by any person having the right to fell the trees and the Forestry Commissioners may, after consultation with the regional advisory committee, (i) refuse to grant a licence, the grounds for refusal being stated, or (ii) grant a licence conditionally, but in every other case they must grant it unconditionally. A licence continues in force for at least one year (s. 3 of the Forestry Act, 1951). Regulation 3 of the Forestry (Felling of Trees) Regulations, 1951, prescribes the manner in which an application for a felling licence may be made, and form 1 in the schedule to those regulations is the appropriate form to be used in making such an application. Where the Forestry Commissioners refuse to grant a licence, or grant a licence subject to conditions, any person aggrieved by the refusal or conditions may, with the consent of the Minister, have the matter referred to a committee consisting of a chairman appointed by the Minister of Agriculture and Fisheries, and two other members selected by him from a panel appointed by him for the conservancy in which the trees are growing. After hearing the aggrieved person and, if they think fit, inspecting the trees or land, the committee report to the Minister who may confirm or reverse the decision of the Commissioners (s. 4 of the Forestry Act, 1951).

A licence granted or directions given by the Forestry Commissioners constitute sufficient authority for the felling of any trees to which a tree preservation order relates. Where consent is required under a preservation order, the Forestry Commissioners before granting a licence must notify in writing the authority by whom the order was made. If the authority object to the proposal within one month of such notification, the Commissioners must refer the application to the Minister of Housing and Local Government (s. 13 of the Forestry Act, 1951, and reg. 13 of the Forestry (Felling of Trees) Regulations, 1951).

As to compensation, in the case of a refusal of a licence, compensation is recoverable from time to time for deterioration in the quality of the timber due thereto. No claim may be made more than one year after felling or in respect of deterioration which took place more than 10 years before the claim. In calculating the amount of any compensation (*a*) no account shall be taken of any deterioration in the quality of the timber in the trees which is attributable to neglect of the trees after the date of the refusal of the licence ; and (*b*) the value of the trees at any time shall be ascertained on the basis of prices current at the date of the claim. Disputed compensation is determined by the Lands Tribunal (s. 5 of the Forestry Act, 1951). The appropriate forms to be used in making claims for compensation are form 5 (England and Wales) and form 5A (Scotland) in the schedule to the Forestry (Felling of Trees) Regulations, 1951 ; and such claims must be sent to the Commissioners' Conservator of Forests for the Conservancy in which the trees are growing (*see* reg. 5 of the said regulations).

ANTI-TAX MOBBED COUNCILLORS IN NIGERIA

By S. O. OMEREGIE

The trouble started recently when an increase of 11*s.* on the original education rate of 3*s.* per head was imposed on taxpayers by the Abakaliki Divisional Council in the Eastern Region. In opposing the payment of the increased rate, a mob was organized by the rate- and taxpayers to resist any attempt by the taxation authority to enforce the payment.

Three councillors who were kidnapped during the riot were kept in an unknown place. Until an offer of £30 was given to their guard the councillors stayed in bondage for two days, where they were well beaten and chained. During the riot a detachment of police in attendance opened fire on the mob, who became aggravated and decided to kill the kidnapped councillors.

The councillors were then removed to another village, eight miles from the place of the scene. Their lives were saved because none of the villagers agreed that the killing should be done in his own neighbourhood. During this argument the councillors got a chance to initiate the plan of offering the £30 and were allowed to escape by the guard. After offering the money the councillors were taken to a place of safety by the guard, who thus betrayed his people.

Four policemen who were also kidnapped during the riot were left to go when the rioters heard a rumour of impending police reinforcements. Mr. C. I. Gavin, senior district officer, with 200 police, camped in the area of the episode until the time when the matter was settled.

Recently, at Otta local council in the Western Region, the rate- and taxpayers submitted a petition to the district officer in their disagreement with an increased water rate. The argument showed that the rate- and taxpayers had not been properly informed as to the reason for the increase. In five years past, estimated revenue from water rate had fallen below an estimated expenditure by £3,775, which was an average annual loss of £775. In the current year estimated expenditure stands at £2,414 against the revised rate at £1,400.

If the new rate was paid the water rate authority would still run the water works at a loss of £500 annually. It was then considered that the water rate authority could not continue at the past rate of loss, hence the introduction of the increase. The main argument of the rate- and taxpayers is that an extension works had not been started in spite of the increase in payment.

The petitioners were informed that the revised rate was organized to cover 80 *per cent.* of the current cost and had nothing to do with the proposed extensions which were a matter of capital expenditure. The taxpayers then suggested a yearly rate of 5*s.* but the water authority pointed out that a flat rate of such a meagre sum would only produce about £515. In order to replenish the revenue a flat rate of 18*s.* 9*d.* per adult would be necessary. The council was adjourned to let the people have enough time to consider the matter.

In the Northern Region, Malam Muhammadu, the Waziri (natural ruler) of Bornu, told the district and county councils at their annual conference that it was very essential for all those put in positions of authority to be co-operative and helpful to the rate- and taxpayers in their care.

The Waziri further said that the counting of cattle and collection of taxes on livestock had been done accurately with the co-operation of the tax- and ratepayers and the tax authority.

The Waziri maintained that the taxpayers should be made to know their duties and rights as citizens, and felt that local governments in the Region were developing. He advised the councillors to roll their sleeves to match, abreast with the time.

The Waziri recounted a part of the prediction of the Lieutenant-Governor of the Region, Sir Bryan E. Sharwood-Smith, C.M.G., that the people were entering a period of endless opportunity on one hand and the opposite risk on the other. " Given wise and selfless leadership the Region can survive and prosper; given weak, thoughtless and selfseeking leadership, the path on which we have now set foot to tread can only lead us to anarchy," he concluded.

In the recent House of Regional Legislature, the Hon. Obafemi Awolowo, now the Prime Minister, Western Region, defended the new taxation policy. Some time ago, the tax- and ratepayers accused the Western Regional tax policy which the people claimed to be too heavy for them. The Prime Minister said, " The masses are willing to make sacrifices but are instigated and incited to defy constituted authority."

The Prime Minister continued that a man in the vicinity of the court could send his wife home to bring money from his house, enough to pay the tax and fine; he always had the money, but " flagrantly " refused to pay.

The Prime Minister agreed that, except in the case of salaried people, tax assessment is arbitrary. It does not follow that the people are oppressed. It is true that many people are assessed to pay less than is due from them, while others are assessed to pay more than their incomes warrant. The trouble is that, except the salaried and the honest professional workers, the majority do not declare their true incomes. They strive to evade paying tax on their actual incomes. As a result, the tax assessment committees have to struggle to estimate their true incomes and assess the taxes payable.

WEEKLY NOTES OF CASES

COURT OF APPEAL

(Before Denning, Birkett and Parker, L.JJ.)

WATT *v.* KESTEVEN COUNTY COUNCIL

January 21, 24, 25, 26, February 7, 1955

Education—Wishes of parents—Right of parent to choice of school—Payment of fees by education authority—Education Act, 1944 (7 *and* 8 *Geo.* 6, *c.* 31), *s.* 76.

APPEAL from ORMEROD, J.

The plaintiff, a resident of Stamford, Lincolnshire, had twin sons who had both passed the examination entitling them to a secondary grammar school education. There was no maintained school in the area, but the defendants, the local education authority, had made arrangements for boys in their area to be educated at an independent school, namely, Stamford School, for which they paid full tuition fees. The plaintiff, a Roman Catholic, did not wish his sons to attend Stamford School, and so he sent them to Roman Catholic preparatory and public schools, where the tuition fees, a substantial part of which were paid by the defendants, were less than those at Stamford School. In an action by the plaintiff for, *inter alia*, a declaration that the defendants were in breach of their duty to provide secondary grammar school education for his sons under the Education Act, 1944, s. 76 of which provides that, so far as is compatible with the provision of efficient instruction and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents,

Held, that under s. 76 the defendants, while having regard to the general principle stated, were entitled to take administrative matters into account, and, while under a duty to make available education and to pay full tuition fees at an independent school with which they had made arrangements, they were not under a duty to do so at any independent school of the parent's choice; in the present case they had had regard to the general principle; and, therefore, they were not in breach of their duty under s. 76.

Counsel: *Gardiner*, *Q.C.*, *Elwes*, *Q.C.*, *H. Hope* and *P. J. Fitzgerald* for the plaintiff; *Sir Frank Soskice*, *Q.C.*, and *Le Quesne*, for the defendants.

Solicitors: *O'Brien* and *Brown*, for *Stapleton & Son*, Stamford; *Bircham & Co.*, for *J. E. Blow*, Sleaford.

(Reported by Philippa Price, Barrister-at-Law.)

THE WEEK IN PARLIAMENT

From Our Lobby Correspondent

HORROR COMICS BILL

The Commons have given a unanimous Second Reading to the Children and Young Persons (Harmful Publications) Bill.

The Secretary of State for the Home Department, Major Lloyd George, moving the second reading, said that as a result of the publicity given to horror comics in the autumn of last year, their publication in this country had been severely curtailed. But the Government believed that it was necessary to ask the House to pass the Bill in order to support the action taken by parents and teachers, by empowering the courts to prevent the continued circulation of such copies as might still be on the market, and the resumption of their publication.

Careful consideration had been given to the question whether the distribution of those publications could be prevented by proceedings under the law relating to obscene publications. It appeared, however, that as a result of judicial decisions, the word " obscene " had come to be regarded as being restricted to matters relating to sex, and that it was unlikely, therefore, that publications which dealt with horror and violence could be the subject of successful prosecutions under the existing law.

Legislation to deal with the problem had been introduced in a number of Commonwealth countries, and the provisions of those enactments had been very carefully examined since then. Many of them, however, involved methods of control, such as the registration of booksellers or the establishment of a censorship board, which the Government did not consider necessary or, indeed, desirable, to deal with the problem as it existed in this country.

The Government were anxious that legislation should be carefully restricted to the type of publication which had rightly aroused so much concern in this country, and that was the object of the present Bill. It did not seek in any way to amend the law relating to obscene publications, for that was a much more complicated and controversial question, which was under examination at the present time.

Clause 1 of the Bill defined the publications to which the Bill applied in very narrow terms. In the first place, the publication must be a book, magazine or other like work—which excluded newspapers—consisting wholly or mainly of stories told in pictures. The Bill would not, therefore, apply to a book consisting mainly of reading matter illustrated by pictures, but only to the pictoral type of publication of which the so-called horror comic was an example.

Second, the stories must be stories portraying the commission of crimes or acts of violence or cruelty, or incidents of a horrible or repulsive nature.

Lastly, the stories must be so portrayed that the work as a whole would tend to corrupt a child or young person into whose hands it might fall. Those who had seen horror comics would agree that there was not much difficulty about that definition applying to them.

The Government did not think that there was any serious danger that other publications, such as the well-known children's comic papers which had been published in this country for many years now, would be regarded as falling within that definition. If, however, there was any doubt on that point whatever, the Government would be ready to consider amendments in Committee.

Major Lloyd George went on to deal with objections which had been raised in the press, particularly by Sir Alan Herbert. The first objection was that the clause disregarded the intention of the accused person, and the second that it contained no provision for considering literary or artistic merit or the admission on those points of expert evidence.

He said if the word " intention " was used in the sense in which it was used in everyday language, it would not be practicable to enforce a Bill in which the intention of the accused man was the central issue. He had only to say, with sufficient conviction, that it was not his intention to corrupt children and young persons, and the case fell to the ground.

If, on the other hand, the word was used in the sense that a man must be presumed to intend the reasonable results of his actions, the

test became an objective one, and the question for decision was whether a particular publication would tend to corrupt. If the Bill was to be enforceable, the test must be an objective one which was capable of decision by a court.

Everyone would be anxious to ensure that the Bill did not become what Sir Alan Herbert described as "a new threat to the liberty of publishers, printers, librarians and booksellers." The Government's view was that the scope of the Bill was so limited that no such danger existed, and that the sort of safeguard which had been proposed for the protection of serious literature for adults was hardly appropriate to pictorial publications which had a special attraction and special dangers for children. Most people would agree that there was a peculiar responsibility to ensure that young people who read that sort of publication were protected from possible harmful influences. If, in discharging that responsibility, they had to accept some limitation on the freedom of adults to read that sort of publication, he did not think they would be paying a very high price.

Clause 2 provided that the maximum penalty for an offence under the Bill should be four months' imprisonment or a fine of £100, or both. The fact that the maximum term of imprisonment exceeded three months would automatically give to the accused person a right to elect for trial by jury.

The purpose of cl. 3 was to prevent the distribution of harmful publications pending legal proceedings and to enable the courts to dispose of publications in respect of which an offence had been committed. There were important differences between the procedure provided in the Bill and the present procedure for dealing with obscene publications under the Obscene Publications Act, 1857. The Bill provided that no search warrant might be granted unless criminal proceedings had already been instituted, and that no copies of a publication might be destroyed unless there had been a conviction in respect of that particular publication. Under the Obscene Publications Act a search warrant might be granted without the institution of proceedings for any criminal offence, and publications might be destroyed without any conviction.

Clause 4 prohibited the importation of harmful publications or plates for printing. One of the sources of those publications was their importation in the form of matrices. All the provisions of the Customs Act, 1952, with respect to the seizure of prohibited articles, would be applicable. They included the requirement that the articles seized must be brought before a court if the party aggrieved disputed the seizure.

In conclusion, the Secretary of State said that the Bill was entirely consistent with a long-established principle that it was the responsibility of Parliament to make special provision for the protection of children and young persons when it was thought necessary to do so.

After debate, the Bill was read a second time without a division and the committee stage will be taken on the Floor of the House.

PARLIAMENTARY INTELLIGENCE

Progress of Bills

HOUSE OF LORDS

Tuesday, February 22

COUNTY COURTS BILL, read 2a.
CHILDREN AND YOUNG PERSONS (AMENDMENT) BILL, read 2a.

HOUSE OF COMMONS

Tuesday, February 22

CHILDREN AND YOUNG PERSONS (HARMFUL PUBLICATIONS) BILL, read 2a.
RURAL WATER SUPPLIES AND SEWERAGE BILL, read 2a.
NATIONAL SERVICE BILL, read 3a.

Wednesday, February 23

TOWN POLLS, read 1a.

MISCELLANEOUS INFORMATION

"WHAT CAN THE PROBATION SERVICE PROVIDE?"

Mr. Peter W. Paskell, principal probation officer for the county of Nottingham, addressed a meeting chiefly composed of magistrates and probation officers, in Manchester on January 18, 1955. His subject was "What can the Probation Service provide?" The chair was taken by Captain S. H. Hampson, M.B.E., J.P., chairman of the Salford probation committee.

Mr. Paskell stressed the essential nature of probation as individual casework. At the same time, it was wrong for people to think that it was a soft option to punishment, for it was conducted under the strong controls of the court. Indeed, some might think that real casework was not possible within the legal framework. It was these people who felt strongly the need to protect the public, who thought that probation was too mild a measure. But a prison sentence could only protect the public temporarily, whereas probation offered a more realistic approach by seeking out the causes of delinquency. Therefore, although not the right solution in every case, it could be much more widely used.

Close understanding was necessary, not only between the probation officer and probationer, but between the court and the probation officer. Case committees could be very valuable, both in giving probation officers and magistrates the opportunity to share responsibility, and in helping magistrates to understand better the probation officer's work. New members of case committees were often surprised at learning, for the first time, how much the probation officer's work entailed. Probation was still not fully accepted by all courts, and many magistrates were dubious about the usefulness of the service. While they were undoubtedly entitled to their views, it was wrong for magistrates, as they did so often, to express adverse opinions which were not based on a full and sound knowledge of the probation system and what it could offer.

Speaking of home inquiries, Mr. Paskell said that probation officers' reports must be honest and objective. Some people supposed that the function of the service was merely to put forward pleas of mitigation, and there was some justification for this reputation. There were enough third rate advocates already, without probation officers adopting this role.

Probation officers did not always get a chance to help the court. In juvenile courts magistrates asked for full inquiries, but the same justice often had a completely different approach to adult offenders. Mr. Paskell thought that there was room for making greater use of probation officers' reports for adults, remanding a case where necessary. A brief interview with the offender before a hearing was quite inadequate, and the police antecedent history should never be accepted as a sociological report.

BERKSHIRE BUDGET, 1955-56

Rates precepted by the county council will be reduced by 4*d.* to 17*s.* 1*d.* next year. We think it will be found that this lead will be followed by many other county councils, and that in the majority of the remaining cases where no reduction is made the verdict will be "No change." 1955-56 will see only a small number of increases. At first glance this may seem surprising, having regard to the continued expansion of certain services (particularly education) and to generally increased costs, particularly of labour. But there are certain factors operating in the reverse direction. The acceleration of building is reflected in increased penny rate products, estimates are very frequently underspent, and penny rate products are underestimated by the county districts.

All these factors operate in Berkshire. The estimate of the penny rate for 1955-56 shows an increase of £590 to £9,685; the revised estimate of the rate borne expenditure for 1954-55 reveals an underspending of £50,000, and the revised penny rate estimates for the current year show that the precept of 17*s.* 5*d.* will produce over £46,000 more income than originally anticipated.

These facts are clearly brought out in the estimates prepared by Mr. W. S. Hardacre, F.I.M.T.A., A.S.A.A., Berkshire county treasurer, and the finance committee report presented by the chairman, Sir George Mowbray, Bart., and therefore although estimated net rate borne expenditure increased by £129,000, Sir George, who is one of the most experienced of local government administrators, considered it sound to recommend a rate reduction, which was approved by the county council.

Capital expenditure estimated at £1,150,000 was reduced by the finance committee to £1,000,000 in the light of past experience, with a corresponding saving in loan charges. Education accounts for more than one-half the total. It is proposed to finance £69,000 of the latter by revenue contributions; the remainder by capital grants, miscellaneous income and loans, the last named representing about three-quarters of the total expenditure.

VISITING FORCES

The text of an agreement between the parties to the North Atlantic Treaty regarding the status of their forces has been published by H.M. Stationery Office (Cmd. 9363), price 1*s.* 3*d.*

YEOVIL R.D.C. ACCOUNTS, 1953/54

Mr. R. J. Parsons, F.I.M.T.A., has used only 15 pages to summarize the financial results of the Yeovil rural council's activities for the last financial year but within that compass has so well selected and arranged his statistics that all that is necessary for a proper view and understanding of the council's finances is included.

The district covers 54,000 acres with a population of 25,000. The general rate for the year totalled 22*s.* 6*d.* of which 16*s.* 9*d.* was raised for the Somerset county council and 5*s.* 9*d.* for local requirements : there was no change in the county figure from the previous year but the rural council required 1*s.* 0*d.* more. Even so there was at the year end a comfortable surplus of £23,000 on the general district revenue account, equal to a rate of 5*s.* 3*d.* The rate of 22*s.* 6d. is not unduly burdensome to the Yeovil ratepayers, being equal only to £4 1*s.* 2*d.* per head ; incidentally a figure which would have ensured the receipt of a handsome equalization grant if the recommendation of the Edwards Committee had secured acceptance.

There was heavy expenditure on the water undertaking, loan charges on the comprehensive scheme now in progress alone amounting to £20,100. The deficiency increased to £29,000, of which £14,700 was met by the county council and £14,300 charged to general district account. Water rates and charges produced only £18,000 against a total expenditure of £50,000, but Mr. Parsons points out that a review of water charges was made recently and that a further substantial increase in income can be expected in the current financial year. The important work being done to improve water supplies in the area is evidenced by the fact that, quite unusually, housing capital expenditure at £185,000 is not the largest item, being considerably exceeded by water capital expenditure of £277,000.

Nevertheless housing remains of major importance. The council own 1,530 houses, flats and bungalows on which there were no arrears of basic rents at April 3 last. A differential rents scheme has been adopted and produced in its first year £3,900. Under the scheme no tenant, irrespective of income, is at present required to pay more than 22*s.* 6*d.* per week, plus rates, for a post-war three-bedroom house, the basic rent of which remains at 14*s.* 0*d.* inclusive of rates. In his report Mr. Parsons states that the economic rent of a new council house costing £1,600 is 31*s.* 3*d.*, towards which after March 31 next a subsidy of 11*s.* 4*d.* will be provided by taxpayer and ratepayer leaving a deficiency of 5*s.* 11*d.* a week after crediting the basic rent of 14*s.* 0*d.* Although there is at present a surplus of £3,800 on the housing revenue account this deficiency must eventually be met by an increase of rents.

During the year 10 pre-war houses were sold to tenants at prices between 25 and 30 years' purchase of the basic rent.

The accounts show a strong position : it is evident that the council's financial affairs are well managed.

LAW AND PENALTIES IN MAGISTERIAL AND OTHER COURTS

No. 17.

AN APPLICATION UNDER THE PLURALITIES ACT, 1838

On February 10 last, application was made to a Nottingham city magistrate on behalf of the vicar of All Saints, Nottingham, under s. 59 of the Pluralities Act, 1838, for the grant of a warrant for taking possession of certain rooms forming part of the vicarage.

Evidence was given by the vicar that the vicarage was divided into two self-contained flats, his comprising the rooms on the first and second floors. After he was instituted he found that the rooms on the second floor were occupied by a widow and her son. On three occasions he had offered alternative accommodation without avail. A church warden stated that on February 3 last he received from the Bishop of Southwell an order under seal requiring the Reverend Charles William Harrington to reside in the house of residence of the benefice of All Saints, which he delivered to the occupier of the rooms being held over.

The widow was represented by a solicitor, who agreed that the magistrate had no alternative but to issue a warrant for possession, which was done.

COMMENT

Mr. G. D. Yandell, who has recently succeeded Mr. W. M. R. Lewis as clerk to the Nottingham justices, and to whom the writer is greatly indebted for this report, describes the application as " most unusual." The writer thinks that readers will not accuse Mr. Yandell of the use of extravagant language in this respect. It is, indeed, a sign of the times that such an application has to be made.

Section 59 of this old Act provides that any agreement made for the letting of the house, residence or buildings, gardens, orchards or appurtenances necessary for the convenient occupation of the same, belonging to any benefice, to which house of residence any spiritual person may be required by order of the Bishop as aforesaid to proceed and to reside therein or which may be assigned or appointed as a residence to any curate by the Bishop, shall be made in writing—and a copy of every such order, assignment or appointment shall immediately on the issuing thereof be transmitted to one of the church wardens or such other person as the Bishop shall think fit and be by him forthwith served on the occupier of such house of residence. Provision is made for the forfeiture of a daily penalty of 40*s.* and for the spiritual person so directed to reside to apply to any justice for a warrant for the taking possession thereof.

No. 18.

THE TRANSIT OF HORSES ORDER, 1951

A farmer, a cattle dock foreman and the British Transport Commission were all summoned to appear at Carlisle magistrates' court last month, to answer a charge of permitting a mare to be carried by rail when it could not be so carried without unnecessary suffering, contrary to art. 15 (1) of the Transit of Horses Order, 1951.

For the prosecution, it was stated that a mare was loaded at Carlisle on November 3 last, to travel by rail to Preston. The mare was found to be suffering from a swollen leg and after examination by a police officer, a veterinary surgeon and an R.S.P.C.A. inspector, the animal was destroyed.

The court found the charges proved, and fined the farmer £25, and the British Transport Commission and the cattle dock foreman £10 each. Defendants were also ordered to pay costs.

COMMENT

The Transit of Horses Order, 1951, contains most detailed provisions to secure the comfort and well-being of horses during transit, and it would seem that if the regulations were complied with in detail there should be no possibility of hardship being experienced by horses during transit by road or rail in this country. R.L.H.

No. 19.

SMOKING ON BOARD SHIP

A 63 year old watchman who had been employed at the Royal Edward and Avonmouth Docks for many years, was recently acting as hatchman at a hold on board ship in the docks from which bags of wattle extract were being discharged. The hold also contained bales of cotton, sisal and tow. All these substances are of a highly inflammable nature and on this account a constable had been hired by the owners of the vessel to patrol for the purpose of preventing smoking in or near the holds of the ship. As the bags containing wattle extract were being discharged, sawdust and shavings fell from them on a sheet of canvas covering other cargo on the deck. When the constable approached the defendant, the latter took a cigarette from his mouth and nipped off the lighted end which was carried across the deck by the wind. Shortly afterwards smoke was seen coming from the canvas on the deck and the defendant extinguished the fire by placing his hands over it. No damage was in fact done to the cargo but a hole 6*in.* in diameter was burned in the canvas.

The sequel to this incident was the appearance of the defendant before the Bristol magistrates on a charge of smoking within the docks contrary to para. 22 of the byelaws relating to the Royal Edward and Avonmouth Docks. The defendant, who told the court that it was the practice of the men " to pinch a smoke," was fined £2 and ordered to pay 10*s.* costs.

COMMENT

Mr. A. J. A. Orme, clerk to the Bristol justices, to whom the writer is greatly indebted for this report, mentions that the maximum penalty under the byelaws is £5, and that the magistrates in deciding the penalty to be paid by the defendant, took into account the fact that it was his first offence and that he had been off work through sickness for some weeks and in consequence was in receipt of an income of £3 7*s.* per week on which to keep himself and his family. R.L.H.

PENALTIES

Northumberland Quarter Sessions—January, 1955. (1) Driving a car while disqualified. (2) Making a false statement to obtain a driving licence. (3) Obtaining a provisional licence while disqualified from

holding one. (4) Fraudulently altering and using a road fund licence. (5) Driving a car while under the influence of drink. Two years' imprisonment, disqualified from driving for life. Defendant, a 37 year old radio dealer, had many previous convictions dating from 1936. In 1946 he was disqualified from driving for 10 years.

Newcastle—January, 1955. Landing a greyhound at Newcastle without a licence from the Ministry of Agriculture and Fisheries. Fined £5.

Bristol Quarter Sessions—January, 1955. Committing an act of gross indecency—two defendants. The one, a 28 year old solicitors' clerk, fined £15. The other, a 26 year old sheet metal worker, fined £25.

Bristol Quarter Sessions—January, 1955. Committing an act of gross indecency. Both men, each 39 years old, fined £10.

West London—January, 1955. Assaulting a county court bailiff. Fined £2, to pay £3 3*s*. costs. Defendant, when told by bailiff that the latter had a warrant for his committal to prison for 21 days unless he paid £21, forthwith, made for the door, but was stopped whereupon he became very violent and bit the bailiff's arm through his jacket.

Exeter—January, 1955. Possessing food intended, but unfit for, human consumption (two charges). Allowing the accumulation of refuse in a kitchen or larder (two charges). Fined £5 on each of first two charges and £3 on each of second two charges. Defendant company, owning a leading local hotel, was also convicted on four other charges arising out of the non-observance of regulations as to cleanliness.

Old Street—January, 1955. Stealing stout. Fined £4. Defendant, a 59 year old labourer employed by London brewers, was noticed by a policeman to be " very bulky about the pockets." When searched he was found to have two pints and 14 half-pints of stout on him.

WHAT THE SOLDIER SAID

In these days, when all able-bodied men—and a large number of women, too—serve or have served in the Armed Forces of the Crown, what is called Military Law is of particular interest to every citizen. The principle of voluntary service was traditional even in war-time, until 1915, and in times of peace until the late 1930s. The Bill of Rights of 1688 declared " that the raising or keeping a standing army within the Kingdom in time of peace, unless it be with the consent of Parliament, is against law." Hence arose that peculiar institution—originally known as the Mutiny Act, and now as the Army and Air Force (Annual) Act, the passing of which is still necessary to legalize the raising and maintenance of these Forces in being for one year at a time. The preamble to the Annual Act, in the historic words quoted above, reminds us of the dangers against which this ingeniously improvized procedure guards our Constitution.

The new Army Bill, which (at the time of writing) is being debated by the Commons in Committee, seeks to make drastic changes. In the first place it is proposed to effect a periodical renewal of the legalization, not by an Annual Act, as heretofore, but by an Affirmative Resolution. As has been pointed out by a correspondent to *The Times*, the distinction is by no means academic. " Faced with an Affirmative Resolution, Parliament can pass or reject—it is unlikely to reject. Given a Bill, it can amend." The break with tradition, as this correspondent suggests, is no doubt safeguarded by the enormous increase in parliamentary power over the past 260 years. Nevertheless it is a phenomenon of which due notice should be taken; others besides historians and lawyers may regret that the acknowledged supremacy of Parliament, in law, has indirectly conferred upon the Executive an absolutism far greater than was dreamed of by any seventeenth century despot, whether King or Lord Protector.

In the second place the new Bill seeks now to revise and to provide for quinquennial reform of the code of military law contained in the Army Act (which is to be distinguished from the Annual Act referred to above), the Rules of Procedure, Queen's Regulations, the Royal Warrant, and other statutory instruments enshrined in the *Manual of Military Law*. A great many of us have had frequent occasions, since 1939, to browse through its pages; many a man, whether layman or lawyer, has had reason to be grateful to its compilers for guiding him through the intricacies of court-martial procedure, whether as prosecutor, defending officer, or member of a court. Thoughtful persons will have contemplated with admiration that strange facet of the English genius which, in the midst of a war for survival, reflected over and over again the picture of serving officers, most frequently without the guidance of any legally-trained person, sitting calmly and patiently to deal with military offences of greater or lesser gravity, and listening to forensic argument conducted with all the restraint and impartiality, with all the courtesies of debate, that mark proceedings in our ordinary civil courts. Many a young subaltern, who never had any pretensions to a legal vocation, has conscientiously " mugged up " and expounded the subtle distinctions between absence without leave and desertion, or taken the point, on behalf of an accused man, that the misconduct charged, to bring it within the relevant section, must be shown to have been prejudicial both to good order *and* military discipline or, again, addressed the court in mitigation of sentence as eloquently as any Q.C.

Even in those days, 10 years and more ago, before the new-fangled institution of a Courts-Martial Appeals Court, it was sometimes possible to make successful representations to the Judge Advocate General, on some point of law, leading to the quashing of a conviction and the righting of a wrong. The system had its imperfections, some of which have already been removed; but willing and helpful advice from the experts at Headquarters or in Spring Gardens was always to be had for the asking.

Certain clauses in the new Bill have led to some liveliness in the committee's debates. One honourable member, speaking on cl. 88 (which deals with the constitution of District Courts Martial), moved an amendment to provide that soldiers other than commissioned officers be empowered to sit as members of such courts. With a fair semblance of forceful logic he argued that " since ordinary men and women from all classes sit as magistrates, there is no reason why the ordinary soldier should not take his place as a member of a court martial." He went on to describe his personal reminiscences, in the *rôle* of the accused, on five separate occasions, none of which had helped him to understand " why officers are supposed to have a monopoly of human understanding, or why a sergeant-major is not allowed to sit as a member of the court." This produced the obvious retort from the Secretary of State for War that, if the proposed innovation had been in force at the time when the honourable member was undergoing his experiences, " his sentence might not yet have expired." The amendment was negatived; but it is interesting to speculate on the incidence of apoplexy among retired officers of field and general rank which must have arisen from the very discussion of so revolutionary a proposal. We have it on the authority of Mr. Justice Stareleigh (reported in *Pickwick Papers*, cap. XXXIV) that what the soldier said is not evidence; according to the War Office it is not law, either.

Then came an attempt from the Opposition benches to delete cl. 64 which, in time-honoured parlance, reads as follows :

> " Every officer subject to military law who behaves in a scandalous manner, unbecoming the character of an officer and a gentleman shall, on conviction by court martial, be cashiered."

Great play was made by honourable members with these solemn words, one pointing out that the use of the conjunctive " and " suggested that in some circumstances an officer might not be a gentleman, and others stigmatizing the clause as a piece of " out-of-date snobbery," a kind of " dragnet " whereby the authorities could catch the poor fish who was guilty of no more than some social solecism. The ensuing debate elicited from the Secretary for War an interesting appraisal of the indefinable qualities that go with the elusive term " gentleman " ; but the alarming prospect of an officer facing a court-martial charge, under this provision, because he had eaten his peas with a knife in the mess, or belonged to the wrong sort of club, was too much for the gravity of the committee. After a somewhat desultory debate this amendment also was negatived, but only by a majority of 15.

An interesting footnote to these proceedings was provided by another member who, at question-time, drew attention to the " exploitation by press photographers, for advertising purposes " of the sentries on duty at Buckingham Palace, the Tower of London and the Horse Guards, and to the use of these sentries as " stooges " by film-publicity which was often vulgar and in execrable taste. The hard-pressed Secretary for War could see no remedy except to put another sentry in front of the sentry on duty for the purpose of keeping off these publicity-mongers —an echo of Juvenal's aphorism—*Quis custodiet ipsos custodes* ? So much for what the House of Commons had to say about the soldier; what the soldier said about the House of Commons is aptly expressed by W. S. Gilbert's sentry in *Iolanthe* :

> " When in that House M.P.s divide,
> Though they've a brain and cerebellum, too,
> They have to leave their brain outside,
> And vote just as their leaders tell 'em to."

A.L.P.

PERSONALIA

APPOINTMENTS

Mr. H. V. Custance, town clerk of Chipping Norton, Oxon., has been appointed town clerk of Honiton, Devon, in succession to Mr. J. Underwood, who has resigned.

Mr. Ian A. Clegg, LL.B., of Barnsley, has now been appointed second assistant solicitor to fill the vacancy in the Wolverhampton town clerk's department caused by the promotions of Mr. R. J. Meddings and Mr. R. T. D. Williams. Mr. Clegg, who is 27 years of age, was articled to the town clerk of Huddersfield and holds the degree of Bachelor of Laws of Manchester University. He has been assistant solicitor to the county borough of Barnsley since July, 1951.

Mr. Milton Hargreaves, LL.B. (Lond.), has been appointed assistant solicitor in the office of the clerk to the Sheffield city justices. Mr. Hargreaves was previously an assistant at Burnley borough, then Hereford city and then again at Burnley. He has been in the office of Mr. G. A. Pratt, the clerk to the justices, Lancashire—Rossendale division, for the past six years, and during this period was articled to Mr. Pratt. On his admission 12 months ago, Mr. Hargreaves was appointed first assistant.

Mr. Arthur Charles Langham Haswell has been appointed full-time probation officer from February 1, 1955, for Merthyr Tydvil, Glam., county borough. Mr. Haswell holds the degree of B.A. (Wales) and previously served under the Worcestershire combined probation area.

Mrs. D. Bridges is to become the first woman clerk to Caister, Norfolk, parish council. She will take over on April 1, from Mr. L. W. Harrison, who has resigned.

RESIGNATIONS AND RETIREMENTS

Mr. Edmund A. Pearmian, the deputy clerk of the peace for Radnorshire, deputy clerk of the county council, and assistant solicitor, who has served the council for nine years, has obtained a post in New Zealand.

Mr. Ernest Roberts, clerk and chief financial officer of Ogwen, Caern., rural district council for the last 30 years, has retired. He is succeeded by Mr. Haydn A. Davies.

Mr. Alan Rothwell, county treasurer for Middlesex county council for the last 16 years, is retiring in this month.

OBITUARY

Sir Alfred Crane, recently retired from the post of Chief Justice of British Honduras, has died less than a fortnight after his birthday. He was born in Georgetown on February 8, 1892 and was admitted a solicitor of the Supreme Court of British Guiana in 1919 and in 1923 took the degree of LL.B. (Lond.). He had been the senior magistrate of the colony for some two years when in 1935 he was called to the bar by the Inner Temple. For a short time in 1946 he was acting Solicitor-General to British Guiana before his appointment as a Judge of the Supreme Court of the Windward and Leeward Islands. He held the post until his appointment in 1950 as Chief Justice of British Honduras. He was the author of a number of legal textbooks.

Mr. Harold Arthur Edward Gardner, clerk of Bridgend, Glam., urban district council from December, 1937, until his retirement on July 31, 1952, has died at the age of 62. Mr. Gardner was formerly with Swindon, Wilts., corporation and Reigate, Surrey, urban district council, before becoming town clerk of Bridgnorth, Shropshire. From Bridgnorth, Mr. Gardner went to Bridgend as clerk to the local authority in 1937. He was a past president of the South Wales branch of the Society of Clerks of Urban District Councils and a life member and former honorary secretary of the Glamorgan Urban District Councils' Association.

Mr. David Jordan Reason, whose retirement from the post of town clerk of Greenwich metropolitan borough was reported at 118 J.P.N. 656, has died at the age of 60. After the 1914-18 war he practised as a solicitor at Neath for some years. About 25 years ago he left Neath to take up a legal appointment under London county council. He later became town clerk of Ilford and after holding that position for several years, became town clerk of Greenwich, holding that post from 1935 until his subsequent retirement.

Mr. Alfred C. Bradbury, formerly assistant solicitor and later deputy town clerk to Nuneaton, Warwick., corporation, has died.

Mr. James Lane Brooks, head of the North Hampshire firm of solicitors, Messrs. Lamb, Brooks and Bullock, of Odiham and Basingstoke, has died at the age of 93. In 1895, Mr. Brooks succeeded his father as clerk to the Odiham magistrates, an office which his grandfather took over in 1818, and which was held continuously by members of the family until 1946. Mr. J. L. Brooks held the office until 1932 when he was succeeded by his son, Colonel H. J. Brooks; Colonel Brooks died in 1943 and was succeeded by his brother, Mr. R. C. Brooks, who owing to pressure of business, gave up the clerkship, but continued as clerk to the Basingstoke divisional magistrates (now amalgamated with the borough court), an office which his father held for some 35 years. Mr. J. L. Brooks was the oldest practising solicitor in Hampshire, and probably in the country. Born in Odiham, he was the eldest son of the late Mr. William Brooks and grandson of the late Mr. James Brooks, both solicitors, his grandfather becoming partner in a solicitor's firm at Odiham soon after the Battle of Waterloo. He was admitted in 1884, and became a partner in the family firm the following year, and until last year continued to take an active part in the business. Mr. J. L. Brooks leaves two sons, one of whom, Mr. Robert C. Brooks, now becomes the senior partner of the firm.

Mr. Herbert Edward Hill Hobley, clerk to Coleshill magistrates, Coventry, for nearly 20 years, has died at the age of 61. Mr. Hobley joined Mr. Roland Hollick, the Coventry solicitor, in 1910, as an articled clerk. In 1924, he was admitted and became a second senior partner in Mr. Hollick's firm. About 10 years later, Mr. Hobley succeeded his colleague as clerk to the magistrates at Coleshill, a position which he had held ever since. Early in his career, Mr. Hobley practised regularly in the magistrates' courts at Coventry. During the illness of Mr. N. A. Murdoch, clerk to the city magistrates, he deputized on several occasions.

PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—Appeal—*Quarter sessions—Enforcement of decision by quarter sessions.*

I should be much obliged by your opinion as to why the words "without prejudice to the powers of the court of quarter sessions to enforce the decision" are included in s. 86 of the Magistrates' Courts Act, 1952. The only reason I can see is to enable warrants of commitment to prison to be issued forthwith as soon as the decision of the appeal court is given in cases where imprisonment is ordered. In all other cases it is usual for the decision to be enforced by the clerk to the justices. SELMSO.

Answer.

The words in question make it clear that quarter sessions can enforce its own decisions if it thinks fit if, as suggested by our learned correspondent, it is desired to commit the defendant to prison or other detention forthwith, or to enforce a fine forthwith. We believe it is common practice for clerks to justices to ask quarter sessions whether that court is issuing process before taking steps for enforcement by the magistrates' court.

2.—Criminal Law—*Compensation in respect of offence—Power to order in respect of offences taken into consideration.*

A is charged before a magistrates' court with stealing £5 from B. He pleads guilty and is convicted. He asks for two other similar offences to be taken into consideration—namely stealing £10 from B and stealing £10 from C. The court agrees to take these other offences into consideration and discharges A conditionally for 12 months under s. 7 of the Criminal Justice Act, 1948.

Quite clearly the court can order A to pay £5 compensation to B under s. 11 (2) of the Criminal Justice Act, 1948. Can the court also order A to pay £10 compensation to C and an additional £10 compensation to B in respect of the offences which have been taken into consideration?

My attention has been drawn to note (1) on p. 168 of the current issue of *Stone*, which states "A criminal court must not make itself the medium of compelling a person to pay his debts: no order under this subsection should be made requiring a person to pay money which was not the subject of the prosecution (*R.* v. *Peel*, [1943] 2 All E.R. 99; 107 J.P. 159). I have read the report of *R.* v. *Peel*, and I take this to be an authority for the principle that no order should be made for the repayment of money the taking or the shortage of which could not have been the subject of a criminal prosecution. In this case the defendant was charged with embezzling £5 13*s.* 8*d.*, and he admitted that there were defalcations in his accounts amounting to £70. This was, however, not presumably an admission that he had stolen or embezzled this total amount; some of it might presumably have been received and not accounted for in error. Furthermore, it does not appear that he asked for any outstanding charges to be taken into consideration.

I suppose it could be argued that the two sums of £10 each are not the subject of the prosecution, but do they not virtually become so once the accused has asked for them to be taken into consideration?

Nobody could possibly argue with the principle that a criminal court should not by invoking the provisions of s. 11 of the Criminal Justice Act, 1948, make itself the medium of compelling a person to pay his civil debts; but once other similar offences have been taken into consideration I should consider that they have become "the subject of the prosecution."

After all, the machinery of taking other offences into consideration is designed to prevent a person from being brought before the court again as soon as he is released from prison for an offence; it would be a pity if this machinery were of no avail if one of the offences which could be taken into consideration were one which empowered the court to order the accused to pay compensation.

I should be very grateful for your views on this subject. TERSHA.

Answer.

While we agree that the facts in this case appear to be very different from those in *R.* v. *Peel*, *supra*, we are of the opinion that an order for compensation under s. 11 (2) of the Criminal Justice Act, 1948, cannot be made in respect of a sum which has not been the subject of a conviction. The simple remedy is to prefer the charges, to which the defendant would plead guilty since he asked to have them taken into consideration.

3.—Compensation—*Laying of water mains and sewers—Obstruction to premises.*

When laying sewers and water mains in highways it often happens that the entrance to a garage and petrol filling station is blocked, and, although plates are placed over the trenches to enable vehicles to obtain access to the filling station, potential customers usually refrain from trying to enter. This causes loss to the garage proprietor and the loss is evidenced by comparative figures for the corresponding period in the previous year. The question arises whether a garage proprietor in the circumstances outlined has a legitimate claim against the council for loss of profit occasioned by the work done by the council. PEXOR.

Answer.

Yes in our opinion: *Lingké* v. *Christchurch Corporation* (1912) 76 J.P. 433. The injury under s. 278 of the Public Health Act, 1936, is not limited to injury to land, as it is under the Railways Clauses Act, 1845, s. 6, or the Lands Clauses Act, 1845, s. 68.

4.—Husband and Wife—*Maintenance order—Children—Payments continued by mistake after child becomes* 16.

Under the Married Women's Acts a husband is liable to pay through my court the sum of £1 per week, this being 12*s.* 6*d.* for his wife and 7*s.* 6*d.* for the child of the marriage until she attains the age of 16 years.

The child attained the age of 16 in August, 1953, but the husband continued paying the £1 per week until June, 1954, when I informed him that under the order he was now only liable to pay 12*s.* 6*d.* per week and in view of the overpayments he had made he was entitled to stop paying further maintenance to his wife until the amount overpaid in respect of the child had been liquidated by the payments which would become due to the wife in the future. The husband decided to stop further payments to his wife and as a result the amount overpaid now only amounts to a few pounds.

In view of recent representations made by the wife I am now wondering whether in fact the husband was entitled to stop payments to his wife in this way. Your opinion on the matter would be appreciated. TUTTON.

Answer.

As the order in respect of the child ceased at the age of 16, the collecting officer has been receiving sums which were not due under the order and these, as they were accepted, should in our opinion have been appropriated as payments in advance, *see* question and answer at 112 J.P.N. 94. It is true that in this case payments have apparently been made by the husband inadvertently, possibly because he did not know that the order ceased at 16, possibly because he did not know the exact age of his child, but we think what he has paid should be brought into the account.

It looks like a case in which payment was made under a mutual mistake, in which case the husband should be credited with the excess payments, thus reducing any apparent arrears.

5.—Landlord and Tenant—*Small Tenements Recovery Act*, 1838—*Recovery of rent.*

The council are seeking to obtain possession of a council house from a tenant who owes a substantial amount of rent. The proceedings for recovery of possession will be before the magistrates under the Small Tenements Recovery Act, 1838. Have the justices power at the same time to make an order for payment of the arrears of rent? APATO.

Answer.

No, in our opinion.

6.—Licensing—*General order of exemption—Conditions for grant.*

X is a market town, and on Thursdays in former years there was a thriving public market on the square.

In later years the only business on the square is that of various market tradesmen who erect their stalls for the day.

In an enclosure a short distance from the square there is a cattle mart owned by a limited liability company, and cattle sales are held on Wednesdays and Thursdays at the mart.

The licensee of a hotel which is close to the square and cattle mart is desirous of obtaining a general order of exemption under s. 106 of the Licensing Act, 1953, to enable him to open his premises for an extra 30 minutes after 3.30 *p.m.*, which is the usual closing time, for the benefit of farmers attending the sale. Assuming that he is able to call evidence to support his contention that there is a need for this extra facility your advice is sought as to whether a privately owned cattle sale yard operating on days other than the usual market day justifies the court in granting the exemption having regard to the fact that the Act speaks of "public market." OLEX.

Answer.

Section 106 of the Licensing Act, 1953, permits the grant of a general order of exemption not only to premises situated in the immediate neighbourhood of a public market, but also to premises situated in the immediate neighbourhood of a place where a considerable number of persons follow a trade or calling, where it seems to a magistrates' court to be desirable to grant the order for the accommodation of those persons.

If, in the case in point, the magistrates' court is satisfied by evidence of the matters which the section requires, the order may be granted.

7.—Licensing—*General order of exemption—Conditions of grant.*

Re the preceding P.P. 6, we are in some doubt whether it is possible to argue that farmers attending the sale are in doing so following a trade or calling.

It will be appreciated that the number of people actually employed at the mart will not number more than five or six, and unless it can be argued that the members of the public attending at the mart are there to follow a trade or calling the magistrates could hardly grant the exception on this ground.

If you can help us further we shall be very much obliged.

OLEX AGAIN.

Answer.

The conditions governing the grant of a general order of exemption under s. 106 of the Licensing Act, 1953, must, of course, be presented to a magistrates' court by such evidence as satisfies the court that these conditions obtain. But we would be prepared to agree with the court in a view that farmers attending a cattle sale are following a trade or calling, and if their attendance is in "considerable number" and the court is satisfied that it is desirable for their accommodation that the ordinary permitted hours should be extended, we see no reason why a general order of exemption should not be granted. We think that the expression "a place where persons follow a lawful trade or calling" must be given a wider meaning than, for instance, "a place where persons are employed as workers."

8.—Marriage—*Infant—Parents dead—Whether any consents required.*

A intends to marry B aged 20 years, whose parents are dead, but C her step-father refuses to give his consent.

There appears to have been a great deal of unpleasantness between B and C, which culminated in his leaving the home to live in Scotland, and letters posted to his address there are returned unopened. A and B are positive that C has deliberately arranged for these letters to be so returned.

The following points arise:

(*a*) Is C "the guardian appointed by the deceased mother?"

(*b*) If the answer is in the affirmative, is the position affected through C's leaving the home?

(*c*) B's married sister aged 21 years also lives at the home, has this sister any legal rights in the matter?

Your views generally hereon would be much appreciated. TANGLE.

Answer.

The consents required to the marriage of an infant are specified in the second schedule to the Marriage Act, 1949. Where both parents are dead, the consent required is that of the guardian or guardians appointed by the deceased parents or by the court under s. 4 of the Guardianship of Infants Act, 1925. If C has not been so appointed his consent is not required; he has no *locus standi* in the matter and neither has the sister. There appears to be no person whose consent is required.

9.—Rating and Valuation—*Recovery—Insufficient distress—Sub-letting—Recovery from boarder.*

The occupier of a dwelling-house in a district of my corporation is in arrear with payment of her general rate over past years. Distress has been levied upon her goods, but the warrant has been returned marked "insufficient goods." The debtor does not work but has a male boarder living at the premises who pays to her £2 per week. A notice has been served on the male boarder under s. 15 of the Rating and Valuation Act, 1925, requiring him to pay to the corporation his board money. He has made no payment and has indicated that he does not intend to make any payment. It appears to me that the only way of enforcing this notice is by application to the county court by way of summons for the amount which should have been paid from the date of the service of the notice to the date of the summons. I shall be obliged if you will inform me if my view is correct, and, if not, indicate the proper procedure that I should adopt. CEI SO.

Answer.

The term "rent" in s. 15 of the Act of 1925 is not limited, and *prima facie* includes so much of the weekly payment from the lodger as represents his board, as well as so much as represents floor-space and furniture. The rating authority have the same rights "to recover, receive, and give a discharge for" the rent as the householder herself. Assuming that the man has no assets worth distraining by a landlord, county court procedure is the remedy, but this assumption may be worth looking into. Since the woman has insufficient assets to distrain for rates, who owns the furniture, etc., that the man uses? The case is obviously one of collusion which the rating authority are justified in pressing against both parties.

10.—Road Traffic Acts—*Disqualification—Appeal—Suspension of disqualification when notice of appeal served on a date subsequent to that of the conviction.*

Section 6 (2) of the Road Traffic Act, 1930, provides that a person who by virtue of an order of a court is disqualified for holding or obtaining a licence may appeal against the order, and that the court may, if it thinks fit, pending the appeal, suspend the operation of the order. What the section does not say is when and how the court may suspend the operation of the order.

No difficulty arises where, as sometimes happens, application to suspend the operation of the order is made to the court as soon as its decision is announced; but there are two other possibilities. First, the court having announced its decision and then proceeded to other business, the defendant may seek to apply a little later on, whilst the court is still sitting; and secondly, a notice of appeal may be given a matter of days after the hearing and the defendant may then wish to ask for suspension of the order, not having previously applied therefore.

I should be grateful if you could advise me whether the court may entertain an application in either of the two cases mentioned above, and quote any authority there may be; and, if your answer in the second case is in the affirmative, perhaps you would say how the application ought to be brought before the court. JANBU.

Answer.

The court can entertain the application. If it is made on a subsequent day any justice acting for the same petty sessions area can so act—*see* s. 124, Magistrates' Courts Act, 1952, which defines "magistrates' court" and makes it clear that any "magistrates' court" acting for the same petty sessions area can act in subsequent matters.

11.—Road Traffic Acts—*Driving without due care—Collision with another car after passing "Halt" sign—Conviction for two separate offences.*

An interesting point has been submitted to my magistrates and I should be glad to know whether in your opinion the case of *Welton* v. *Taneborne* (1908) 72 J.P. 419, and 99 L.T. 668, is still good law and applicable to the following circumstances:

A defendant was charged with driving a motor car without due care and attention at certain crossroads. She was also charged with failing to halt at the same crossroads in accordance with a duly erected halt sign. The solicitor for the defence asked that the first charge be taken first and separately, this was done. Evidence was given that she had failed to halt although a halt sign was duly erected and that a collision had occurred with another car at the crossroads which latter car had the right of way. The defendant was convicted and fined.

The defendant's solicitor then submitted that in view of the above case the summons for failing to halt could not be proceeded with. Prosecuting solicitor submitted that it could and, with the view of an appeal being made, formal evidence as to the defendant failing to halt at the halt sign was given. When asked to advise the justices, and after hearing the extracts quoted from *Welton* v. *Taneborne*, I advised the justices that the case was still good law, and was applicable to the above circumstances.

No case was asked to be stated nor so far have I received notice of an appeal.

In view of the thousands of cases where the defendant is alleged to have driven without due care and also to have failed to halt, the above is of considerable interest. J. NARK.

Answer.

Welton v. *Taneborne*, *supra*, is still good law. If in the present case the justices in convicting of driving without due care and attention relied in part on the failure to halt at the sign we think that the case cited is a bar to any conviction on the minor charge. We cannot say without full knowledge of the facts whether it could have been done in this case, but it is sometimes possible to present the case on the s. 12 charge by relying on facts other than the passing of the halt sign, and if that is done there seems to be no bar to proceeding subsequently with the "halt sign" charge as a separate matter.

Official & Classified Advertisements, etc.

Official Advertisements (Appointments, Tenders, etc.), 2s. 6d. per line and 3s. 6d. per displayed headline. Classified Advertisements, 24 words 6s. (each additional line 1s. 6d.) Box Number, 1s. extra

Latest time for receipt 2 p.m. Wednesday

Published by JUSTICE OF THE PEACE LTD., Little London, Chichester, Sussex
Telephone : CHICHESTER 3637 (P.B.E.) *Telegraphic Address :* JUSLOCGOV, CHICHESTER

NOTIFICATION OF VACANCIES ORDER, 1952

The engagement of persons answering these advertisements must be made through a Local Office of the Ministry of Labour or a Scheduled Employment Agency if the applicant is a man aged 18-64 or a woman aged 18-59 inclusive unless he or she, or the employment, is excepted from the provisions of the Notification of Vacancies Order, 1952. *Note :* Barristers, Solicitors, Local Government Officers, who are engaged in a professional, administrative or executive capacity, Police Officers and Social Workers are excepted from the provisions of the Order.

CITY OF OXFORD

Justices' Clerk's Office

Appointment of Third Assistant

APPLICATIONS are invited for this appointment from male persons experienced in the work of a Justices' Clerk's Office. Applicants should be competent typists ; shorthand will be an advantage; and they should have completed, or be otherwise exempt from National Service.

The salary will be equivalent to the Clerical Division of the National Scales of Salaries, i.e., £495—£545 (by three increments), but this may be subject to adjustment in the event of any national award in respect of Justices' Clerks' Assistants.

The appointment will be superannuable, subject to medical examination, and to one month's notice on either side.

Applications, stating age, education and experience, together with the names of two persons to whom reference may be made, must reach me not later than March 14, 1955.

A. JOHN BROUGHTON,
Clerk to the City Justices.

Town Hall,
Oxford.

COUNTY BOROUGH OF NORTHAMPTON

APPLICATIONS are invited for the appointment of Chief Constable which will become vacant on the retirement on June 30, 1955, of Mr. John Williamson, C.B.E. Further particulars and form of application may be obtained from me. Closing date March 19, 1955.

C. E. VIVIAN ROWE,
Town Clerk.

Guildhall, Northampton.

COUNTY BOROUGH OF WEST HAM

ASSISTANT SOLICITOR required, Grade A.P.T. V (£750—£900) plus London Weighting (£20—£30 according to age). Local Government experience not essential but an advantage.

Applications, on forms obtainable on request, must be received by first post March 15, 1955.

G. E. SMITH,
Town Clerk.

West Ham Town Hall,
Stratford, E.15.

BOROUGH OF MAIDENHEAD

Appointment of Assistant Solicitor

APPLICATIONS are invited for the appointment of Assistant Solicitor at a salary in accordance with age and experience within the current N.J.C. salary scale (£690×£30—£900 per annum).

The successful applicant will be in charge of the legal section of the department and will be given an opportunity to undertake Committee work. Local Government experience is not essential but will be an advantage.

The appointment is subject to the Local Government Superannuation Acts and to the passing of a medical examination.

Applications, stating age, qualifications, details of education, and experience, date of admission and details of present and past appointments, and giving the names and addresses of two referees, must be delivered to the undersigned by March 14, 1955.

STANLEY PLATT,
Town Clerk.

The Guildhall,
Maidenhead.

CITY OF LEEDS

Assistant Solicitor

APPLICATIONS are invited for the appointment of an Assistant Solicitor in my Office at a salary within Grade A.P.T. VI (£825—£1,000). The commencing salary will be fixed according to qualifications and experience.

The person appointed will be required to conduct prosecutions on behalf of the Police and the Corporation and to assist in the work of the office generally. He will be subject to the Local Government Superannuation Acts, 1937 to 1953, and will be required to pass a medical examination before his appointment is confirmed.

Applications, with details of age, date of admission, qualifications and experience, together with the names of two persons to whom reference may be made must reach me by March 26, 1955.

Canvassing in any form, either directly or indirectly, will be a disqualification.

ROBERT CRUTE,
Town Clerk.

Civic Hall,
Leeds, 1.
February 25, 1955.

CUMBERLAND MAGISTRATES' COMMITTEE

APPLICATIONS are invited for the post of Senior Assistant to the Clerk to the Justices for Whitehaven and Workington. Salary £600 × £25 — £725 per annum. Thorough knowledge of work of a Justices' Clerk's Office required. Post pensionable; medical examination. Applications, stating age, qualifications and experience, with the names of two referees, must be sent to the undersigned by March 9, 1955.

G. N. C. SWIFT,
Clerk to the Magistrates' Courts Committee.

The Courts, Carlisle.

CITY AND COUNTY OF THE CITY OF LINCOLN

Appointment of Senior Assistant Solicitor

APPLICATIONS are invited for this appointment at a salary to be fixed, according to experience, within A.P.T. Grade VI (£860× £35—£1,000 per annum) of the National Salary Scales. Applicants must possess good experience in conveyancing and advocacy and some local government experience is essential.

The appointment is subject to the provisions of the Local Government Superannuation Acts 1937 to 1953, and the successful candidate will be required to pass a medical examination. Housing accommodation is available.

Further particulars of the appointment may be obtained from me, and applications stating age, qualifications, experience and the names and addresses of three persons to whom reference can be made must reach me not later than March 9, 1955.

Canvassing directly or indirectly will disqualify.

J. HARPER SMITH,
Town Clerk.

Town Clerk's Office,
Lincoln.

BRACKNELL DEVELOPMENT CORPORATION

Chief Law Officer

APPLICATIONS are invited from Solicitors with not less than five years' experience since admission for the appointment of Chief Law Officer to the Corporation at a point within the salary range of £1,550×£50—£1,800 per annum according to experience and qualifications. Housing accommodation can be made available.

The Officer appointed will be responsible for the legal work of the Corporation under the direction of the General Manager. He must be experienced in the purchasing and conveyancing of land and property and in the preparation of legal reports. It is also desirable that he should have a sound knowledge and experience of local government and planning law and practice.

The successful candidate will be required to pass a medical examination and contribute either to a Superannuation Scheme or to an Assurance Scheme.

Applications marked " C.L.O. Confidential" stating age, education, training, qualifications, experience, past and present appointments and salaries and the names and addresses of two referees, must be received not later than March 11, 1955.

J. V. ROWLEY,
General Manager.

Bracknell Development Corporation,
Farley Hall, Bracknell, Berks.

LANCASHIRE MAGISTRATES' COURTS COMMITTEE

Petty Sessional Division and Borough of Ashton-under-Lyne

APPLICATIONS are invited for the appointment of a male Second Assistant in the office of the Clerk to the Justices of the above Division and Borough. Salary scale £495—£545. Superannuable and subject to medical examination. The Division and Borough have a combined population of 123,000.

Applications to be sent to the undersigned, together with the names of two referees, not later than March 14, 1955.

ALBERT PLATT,
Clerk to the Justices.

Magistrates' Clerk's Office,
99 Warrington Street,
Ashton-under-Lyne.

CHESHIRE PROBATION AREA

Full-Time Female Probation Officer

APPLICATIONS invited for this appointment. Conditions and salary subject to Probation Rules, and the selected candidate will be required to pass a medical examination. Applications, on forms to be obtained from H. Carswell, Secretary to the Committee, St. John's House, Chester, to be submitted by March 19, 1955.

HERTFORDSHIRE PROBATION AREA

Appointment of Full-Time Female Probation Officer

APPLICATIONS are invited for the above appointment.

The appointment will be subject to the Probation Rules, 1949 to 1954, and the salary will be in accordance with such Rules and subject to superannuation deductions. The successful applicant will be required to undergo a medical examination.

Forms of application may be obtained from the undersigned and applications should be received by me not later than March 19, 1955.

NEVILLE MOON,
Clerk of the Peace.

County Hall,
Hertford.
March 5, 1955.

PONTYPOOL URBAN DISTRICT COUNCIL

Appointment of Legal and Committee Clerk

APPLICATIONS are invited for the post of Legal and Committee Clerk at a salary in accordance with Grade I of the National Scale (£500 × £20—£580).

Candidates should be capable of undertaking conveyancing with nominal supervision. The successful candidate will be required to assist in the general legal work of the office and to take some share in Committee work.

The post is superannuable, subject to the National Scheme of Conditions of Service, and to medical examination.

Applications, with full particulars and with the names and addresses of two referees, should reach the undersigned not later than March 19, 1955.

H. COOK,
Clerk of the Council.

Town Hall,
Pontypool.

INQUIRIES

REGISTER OF LAND AND ESTATE AGENTS, AUCTIONEERS, VALUERS, AND SURVEYORS

BERKSHIRE

FARINGDON.—HOBBS & CHAMBERS, Chartered Surveyors, Chartered Auctioneers and Estate Agents. Tel. Faringdon 2113.

CHESHIRE

CHESTER.—HARPER, WEBB & CO., Chartered Surveyors, Rating Specialists, 35 White Friars, Chester. Tel. 20685.

CORNWALL

FALMOUTH.—ROWE & KNOWLES, Strand, Falmouth. Tel.: 189 and 1308.

DEVON

AXMINSTER. — ARNOLD L. BALDOCK, B.Sc., A.R.I.C.S., Chartered Surveyor, Valuer, Land Agent, Shute, Axminster. Tel. 2388.

EXETER.—RIPPON, BOSWELL & CO., F.A.I., 8 Queen Street, Exeter. Est. 1884. Tel. 59378.

EXMOUTH.—PURNELL, DANIELL & HORRELL, 7 Exeter Road. Tel. 3775. Auctioneers and Estate Agents; Surveyors and Valuers. Also at Honiton and Sidmouth.

ESSEX

ILFORD AND ALL ESSEX.—RANDALLS, Chartered Surveyors, Auctioneers, Valuers, 1 Medway Parade, Cranbrook Rd., Ilford. Est. 1884. Tel. ILFord 2201 (3 lines).

GLOUCESTERSHIRE

CIRENCESTER AND COTSWOLDS.—HOBBS & CHAMBERS, F.R.I.C.S., F.A., Market Place, Cirencester. (Tel. 62/63) and Faringdon, Berks.

HERTFORDSHIRE

BARNET & DISTRICT.—WHITE, SON & PILL, 13/15 High Street. Tel. 0086, and at New Barnet.

KENT

BECKENHAM—BROMLEY.—SUTCLIFFE, SON & PARTNERS, Estate Agents and Surveyors. The Old Cottage. Estate office, opp. Shortlands Station, Kent. Tel. RAV. 7201/6157. Also at 20 London Road, Bromley. RAV. 0185/7.

EAST KENT.—WORSFOLD & HAYWARD, offices at 3 Market Square, Dover; 11 Queen Street, Deal; 4 St. Margaret's Street, Canterbury. Established 1835.

LANCASHIRE

BARROW-IN-FURNESS.—LOWDEN & POSTLETHWAITE, Auctioneers & Surveyors. Est. 1869. 18-24 Cornwallis Street. Tel. Barrow 364.

LANCASHIRE—*(Contd.)*

BLACKBURN & EAST LANCASHIRE.—SALISBURY & HAMER (Est. 1828). Mills and Works Valuers, Auctioneers and Estate Agents, 50 Ainsworth Street, Blackburn. Tel. 5051 and 5567.

LIVERPOOL & DISTRICT.—JOS. RIMMER & SON, (Charles F. Reid, Robert Hatton.) 48 Castle Street, Liverpool, 2. Tel. Central 3068. Chartered Surveyors, Chartered Auctioneers and Estate Agents.

GEO. H. EDWARDS & CO., 3 and 4 Williamson Sq., Liverpool 1. Est. 1880. Tel. Royal 2434 (2 lines).

MANCHESTER.—EDWARD RUSHTON, SON & KENYON, 12 York Street. Est. 1855. Tel. CENtral 1937. Telegrams Russoken.

LEICESTERSHIRE

LEICESTER, LEICESTERSHIRE & MIDLANDS.—MONTAGUE TURNOR, F.A.L.P.A., F.V.I., Auctioneer, Estate Agent, Surveyor and Valuer, 27 Belvoir Street, Leicester. (Tel. 65244-5.)

LONDON AND SUBURBS

GER. 5851 * **SHAWS** BRI. 7866 *

(E.A.L.) LTD.

"ESTATE OFFICES," 76-80 SHAFTESBURY AVE., W.1. *and at* 151 DULWICH ROAD, S.E.24

J. H. W. SHAW, P.P.C.I.A., F.A.L.P.A., F.V.I.

ANDREWS, PHILIP & CO., Chartered Surveyors, Lloyds Bank Chambers, 1 Walm Lane, N.W.2. Tel. Wil. 3836/7.

DRIVERS, JONAS & CO., Chartered Surveyors, Land Agents and Auctioneers, 7 Charles II Street, St. James's Square, London, S.W.1. WHitehall, 3911. Also at Southampton.

FAREBROTHER, ELLIS & CO., 29 Fleet Street, E.C.4.

H. C. WILSON & CO., 51 Maida Vale, W.9. Est. 1853. Tel. Cunn. 6111 (4 lines).

WARD SAUNDERS & CO., Auctioneers, Surveyors, Valuers, Estate Agents, 298 Upper Street, London, N.1. Tel. CANonbury 2487/8/9.

CHELSEA.—WHELEN & CO., Markham House, 138a Kings Road, S.W.3. Tel. KNightsbridge 4451. Also in Sloane Street, S.W.1. Tel. SLOane 1891.

WINCHMORE HILL, ENFIELD, SOUTHGATE, AND NORTH LONDON SUBURBS.—KING & CO., Chartered Surveyors and Valuers, 725 Green Lanes, N.21. LAB. 1137. Head Office, 71 Bishopsgate, E.C.2.

MIDDLESEX

HOUNSLOW.—ROPER, SON & CHAPMAN, Auctioneers, Surveyors, etc., 162 High Street. Tel. HOU 1184

POTTERS BAR & DISTRICT.—WHITE, SON & PILL, 58 High Street. Tel. 3888.

NOTTINGHAMSHIRE

NOTTINGHAM.—KINGSTON & PARTNERS, Surveyors, Valuers, Town Planning Consultants and Industrial and Rating Valuers, 14 Chaucer Street. Tel. 45290.

RETFORD.—HENRY SPENCER & SONS, Auctioneers and Valuers, 20 The Square, Retford, Notts. Tel. 531/2. 9 Norfolk Row, Sheffield. Tel. 25206. 91 Bridge Street, Worksop. Tel. 2654.

SURREY

CAMBERLEY (HANTS & BERKS BORDERS).—SADLER & BAKER, Chartered Auctioneers and Estate Agents, 31 High Street. Est. 1880. Tel. 1619.

ESHER.—W. J. BELL & SON, Chartered Surveyors, Auctioneers and Estate Agents, 51 High Street, Esher. Tel. 12. And at 2 Grays Inn Square, W.C.1. Tel. Chancery 5957.

GUILDFORD.—CHAS. OSENTON & CO., High Street. Tel. 62927/8.

OXTED.—PAYNE & CO., Surveyors, Valuers and Auctioneers, Station Road, West, Oxted. Tel. 870/1. And at East Grinstead, Sussex.

SUSSEX

BOGNOR REGIS, CHICHESTER, SELSEY & DISTRICT.—CLIFFORD E. RALFS, F.A.L.P.A., Auctioneer, Estate Agent, Surveyor, Knighton Chambers, Aldwick Road, Bognor Regis. (Tel.: 1750).

BRIGHTON & HOVE.—H. D. S. STILES & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 101 Western Road, Brighton 1. Tel. Hove 35281 (3 lines). And at London.

WEST SUSSEX.—WHITEHEAD & WHITEHEAD, South Street, Chichester (Est. 1899). Tel. 2478—3 lines. And at Bognor Regis, Pulborough & Havant (Hants.).

WARWICKSHIRE

BIRMINGHAM.—J. ALFRED FROGGATT & SON, F.A.I., Chartered Auctioneers, Valuers & Estate Agents, Unity Buildings, 14 Temple Street, Birmingham. Tel. MIDland 6811/2.

Printed in Great Britain by R. J. Acford Ltd., Industrial Estate, Chichester, Sussex, and published each Saturday by the Proprietors, Justice of the Peace Ltd., at the Office of the "Justice of the Peace and Local Government Review," Little London, Chichester, Sussex. Registered at the G.P.O. as a newspaper. Saturday, March 5, 1955. Price 2s. 3d. with Reports, post free 2s. 5d.; without Reports 1s. 3d., post free 1s. 5d. Subscription rates: £6 per annum with Reports; £1 10s. per annum without Reports.